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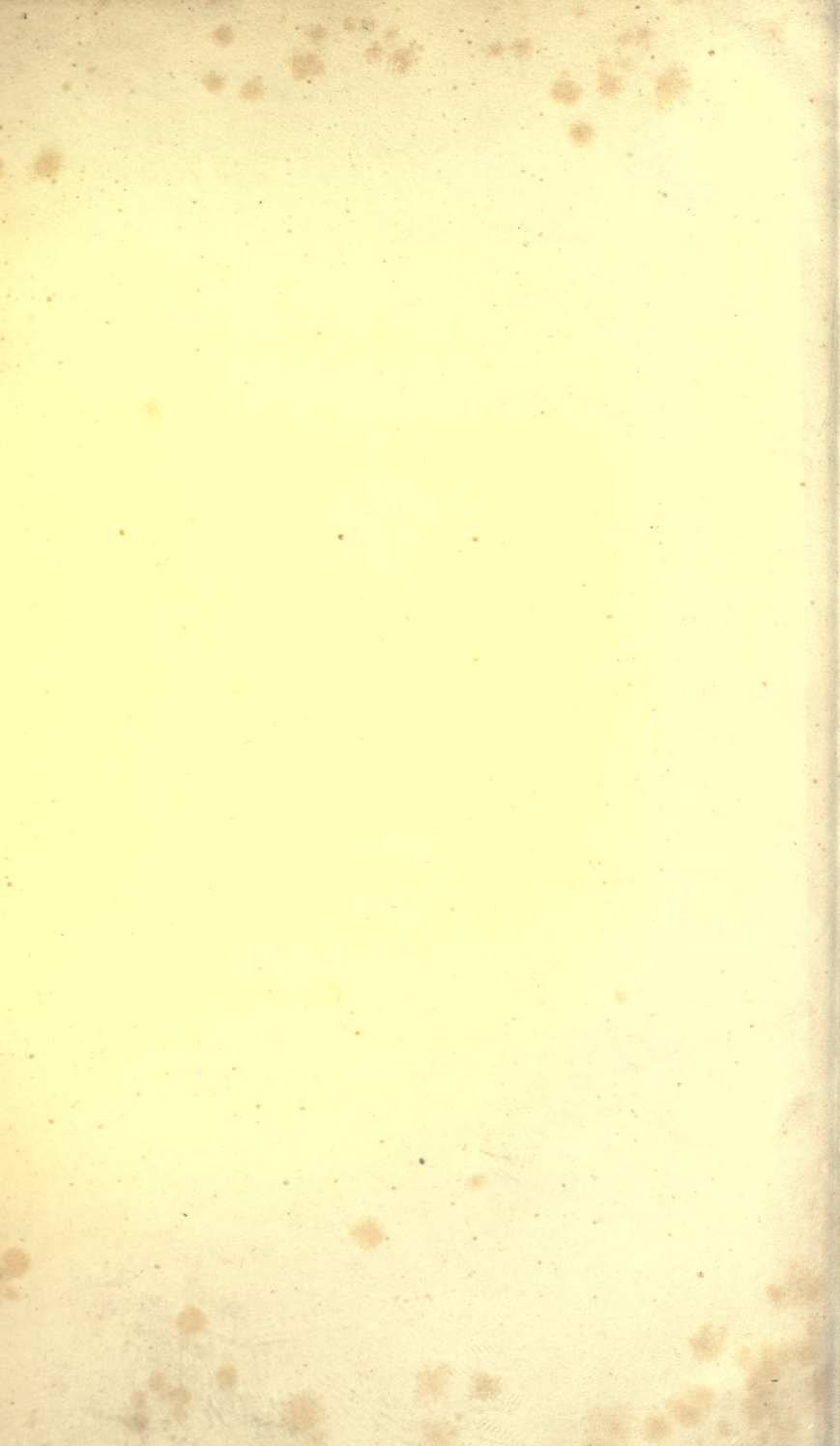
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HISTORY OF ENGLAND

HOUSE OF WIGMORE

INCLUDING THE COMMONS

PART II

CHRONOLOGICAL HISTORY OF ENGLAND

1701-1714

THE HISTORY OF THE HOUSE OF COMMONS

THE HISTORY OF THE HOUSE OF COMMONS

HISTORY OF ENGLAND

FROM THE NORMAN CONQUEST TO THE PRESENT

BY HENRY THOMAS LECHE

IN TWO VOLUMES

VOLUME I

COMMONWEALTH

1642-1688

WITH A HISTORY OF THE

COMMONWEALTH

1642-1688

BY HENRY THOMAS LECHE

IN TWO VOLUMES

VOLUME I



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LIBRARY OF USEFUL KNOWLEDGE



THE

HISTORY OF ENGLAND

UNDER THE

G.B.
Hist.

HOUSE OF STUART,

INCLUDING THE COMMONWEALTH.

[A.D. 1603—1688.]

PART II.

COMMONWEALTH; CHARLES II.; JAMES II.

By
Robert Vaughan.

UNDER THE SUPERINTENDENCE OF THE SOCIETY FOR THE DIFFUSION OF
USEFUL KNOWLEDGE.



LONDON:
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COMMONWEALTH.

CHAPTER I.

Commonwealth established—Its defective authority, and difficulties—Severities against the Royalists—Execution of Hamilton, Capel, and Holland—Discontent in the Army—Conduct of John Lilburne—Cromwell's expedition to Ireland—His policy in that enterprise—Cruelty and rapidity of his conquests—Proceedings in Scotland—Landing of Charles the Second—Scotland invaded—The victory of Dunbar—Cromwell debates with the Scots on points of theology—Charles marches into England—The battle of Worcester.

NOT many days after the death of the king, the commons declared the monarchy and the house of lords abolished; and a council of state, consisting of forty persons, was appointed to assume the government of the nation. A new great seal was produced, and put in commission; and an oath to be faithful to the parliament and people was substituted in the place of the oath of allegiance and supremacy. The name of the king's bench was changed to that of the upper bench. Six of the judges resigned their seats; but six consented to act on obtaining a declaration from the present legislature that no infringement should be made on the fundamental laws *.

Thus a commonwealth was established in the place of the ancient constitution. But this was not the act of the people of England, nor was it approved probably by more than one-fifth of their number. It was the act of some fifty members who occupied the place of the five hundred assembled as the commons of England in 1640. That the nation would long submit to be governed by such a body, was not to be expected; and to strengthen its authority, the house invited several of the expelled members to return, and issued writs to those places where their influence was most powerful, requiring new elections. By this means their number was raised to about one hundred and fifty. Not more than half this number were regular in their attendance; and the character of usurpation continued to be impressed upon the whole system. But the military chiefs by whom it had been called into existence, and on whose capacity and resources it depended, justified their conduct on the plea that the choice was between such a government, and the ascendancy of the pres-

* Parl. Hist. iii. 1281—1283. Journals of the Commons. Whitelocke, 371—374. Ludlow, i. 246, 247.

byterians and royalists, with the return of civic proscriptions and ecclesiastical intolerance.

The men who thus expressed themselves were not insensible to the dangers which encircled them. In adding to the number of the commons, though so cautiously done, they were hazarding the control of that assembly; and the necessity of keeping nearly forty thousand men in arms, not only exposed them to the chances of insubordination from that quarter, but created the necessity of laying heavy burdens on the people. Added to this, every motion of the new government would be watched by hostile parties, embracing the whole of the nobility, nearly all the established priesthood and superior gentry, and certainly the great majority of the people. But it was now too late to be alarmed at difficulties. Retreat was no longer possible. To keep possession of the reins was the only chance of safety.

The opposition to be expected was from three quarters, the royalists—including the catholics of the three kingdoms, the levellers in the army, and the Scots. Against the royalists, whose desperate feeling was well understood, it was resolved to proceed by way of intimidation. Among the prisoners taken in the war of the last summer, and still in confinement, was the duke of Hamilton, commander of the Scotch army at Preston, the earl of Holland, who had produced an insurrection in the capital; and lord Capel, Goring—earl of Norwich, and Sir John Owen, who were taken at the surrender of Colchester. By the ordinance passed in prospect of that war, all these persons became liable to prosecution on the charge of high treason; and all were arraigned and condemned upon that charge in the high court of justice.

But the parliament reserved to itself the power to suspend or mitigate the sentence. In that assembly, Owen was saved through the compassion of Hutchinson and Ireton. Goring owed his life to the casting voice of the speaker. But a single vote turned the scale against Holland; Capel and Hamilton were condemned without a division; and these three noblemen perished on the scaffold. This severity was meant to strike terror into the royalists; and for a considerable interval it appeared to produce the intended effect*.

But the trial of these unfortunate persons by the authority of the high court of justice, was a circumstance which did not augur well for

* Whitelocke, 374—378. State Trials, iv. 1155—1250. Ludlow, i. 247—249. A comparison of these proceedings, as recorded in the journals, with what is to be found in Clarendon, will afford another example of the great inaccuracy so frequent in that writer. Hutchinson, ii. 162—164. Ludlow mentions the humanity of Ireton towards Owen; but, with his wonted proneness to such sins of omission, where his prejudices are concerned, says nothing of Hutchinson, who was the first to address the house in his favour. This author, who so often tells us of his honesty, and who, perhaps, thought himself honest, could describe the battle of Naseby without the slightest mention of Cromwell. Ibid. i. 132.

that adherence to the fundamental laws which had been among the first pledges of the new power. If the extraordinary occasion for which that tribunal had been instituted was such as to justify its existence, it should have ceased to exist as soon as its one object was accomplished. The claim of the accused to be tried by their peers was, in the present state of things, unreasonable; but the demand to be tried by a jury was also resisted, their opponents having reason to suspect that, by such a form of proceeding, some mitigated sentence only would be obtained, and the infant government be deprived of the protection which might be afforded by such examples. The most distinguished of these sufferers was condemned, not as duke of Hamilton, but as earl of Cambridge.

The duke of Hamilton had been much occupied, as we have seen, in the king's affairs, on the breaking out of the troubles in Scotland. He was regarded in most quarters as a person of considerable learning and great discrimination, and possessed so singular a facility in avoiding any matter of conduct likely to give offence, that all parties appear to have viewed him for a long time with a mixture of confidence and suspicion, which, if it exposed him to no violent enmities, left him without any warm friends. Burnet, his biographer, has spared no pains to vindicate his integrity, but his success is not always equal to his intentions. The character of lord Capel was such as to place his fate among the most melancholy incidents of the civil war. He was a person of considerable fortune, with a numerous family of children, and until the beginning of this struggle was wholly unconnected with the court. From that time he put every private feeling in subordination to the service of the king, and acquitted himself in all his duties with chivalrous integrity, generosity, and courage. Cromwell spoke justly of him, when he said that conspiracy against the commonwealth would never be in want of a leader, dangerous no less from his virtues than from his talents, so long as lord Capel should be alive. The character which he had exhibited through life he sustained in his last hours. The earl of Holland, of whom enough has been said elsewhere, was in such impaired health that his life would have been of short continuance had it not been taken by the axe of the executioner. Goring earl of Norwich is often confounded with colonel, afterwards general and lord, Goring, of whom frequent mention has been made, and who may be described as one of the most profane, unprincipled, and dissolute men of the age, often cast aside as a disgrace and a hindrance by those with whom he professed to act, but possessing that cavalier buoyancy and address which served as often to procure his reinstatement. The earl of Norwich bore some resemblance to lord Goring in his jovial habits, but was not chargeable with his vices, and had few enemies. Of Owen, it may suffice to observe, that, though indebted to Hutchinson and Ireton for his life, he was not the man to thank them for their humanity. Mrs. Hutchinson describes him as "a pillar of ingratitude."

But if the spirit of the royalists was not to be repressed without the aid of intimidation, there was hardly less need of such assistance in the case of the army. On the twentieth of January in this year, the day on which the king's trial commenced, the paper intitled, "An Agreement of the People," of which mention has been made, was presented by Fairfax to the commons, not that the house should pass it into a law, but that its being sent through the country to receive signatures, and in that form to bespeak the sentiments of the people, might be with the sanction of that assembly. By this time, however, even the scheme of that paper did not carry the work of revolution far enough to satisfy the levellers, and the more rigid class of republicans. The former, in particular, were taught by their leaders, and especially by the notorious John Lilburne, brother of the colonel of that name, that the instrument adverted to had been approved by the officers purely because they saw that it might be made to work for their own aggrandizement; and his warning, both to the army and the nation, was, that they were about to fall under the power of an oligarchy, more to be dreaded than the return of monarchical or prelatical oppression. Lilburne, who was equally fond of talking and of writing, sent forth declamatory appeals of this nature without weariness and without fear, and employed himself in every way to render the military leaders the objects of suspicion, and to make converts in favour of the most democratic principles of government. His views were of the most narrow description, and his patriotism but a modification of his vulgar selfishness; but such was the success which attended his labours, and those of his various coadjutors, that the commonwealth seemed to be threatened with destruction almost before conscious of existence. During four months, it required the most decisive measures on the part of the commons, and all the promptitude and vigour that Fairfax and Cromwell could bring to the enterprise, to suppress the mutinous detachments which presented themselves in different parts of the country. It was not difficult to convict such a man as Lilburne of seditious practices; and on that charge he was committed, with several of his associates, to the Tower. This was on the twenty-ninth of March; and on the seventh of June, Fairfax and Cromwell attended a grand dinner in the metropolis, commemorative of their successes against the mutineers*.

* Lilburne had served as a captain under Essex, and was taken prisoner in the affair at Brentford. In Oxford he was brought to trial on the charge of being found in arms against the king, on which occasion he defended himself with much force and spirit, but would probably have suffered, had not the parliament interposed with a threat of retaliation. This was in 1642. Three years later he exchanged the sword for the pen, and engaged in a warm controversy with Prynne and the presbyterians in defence of liberty of conscience, which brought him into various troubles, and led to his writing against the parliament with as much determination as he had once fought in its support. In the year following, the charges in which he indulged against public men, declaring, among other things, that Manchester ought to lose his head, were taken up by the house of lords, and he was sentenced to be fined four thousand pounds, and to be confined seven years in the

There were circumstances which had rendered the necessity of these exertions at home a source of much perplexity and irritation. Ireland, if anything better than the name of a government was to be preserved there, demanded immediate attention; and all the remaining strength that could be brought to the conflict would probably be required to meet the effort about to be made by the Scots in favour of the surviving Charles Stuart, whom they proclaimed king as soon as the news of his father's death had reached them.

Cromwell accepted the conduct of the war in Ireland, with the office of lord lieutenant, and on the fifteenth of August landed near Dublin. His army consisted of eight thousand foot, four thousand cavalry, and a formidable train of artillery. The only places which then held out for the parliament were Dublin and Derry, the authority of Ormond being acknowledged by three-fourths of the island. Confiding in such appearances, Ormond had invited Charles the second to join his standard. But the protestants of that island, both English and Scots, were most of them decided presbyterians; and the natives were catholics, animated by the most fervid intolerance, and their troops so poorly disciplined as to have been almost invariably trodden down or dispersed when opposed to regular troops. Charles naturally hesitated, and no sooner heard of Cromwell's expedition than he decided against making his appearance in that country.

The causes which produced hesitation with the young king were well considered by Cromwell, and appear to have regulated his policy in this enterprise. He had long cherished that sentiment against the catholic religion, which, in consequence of cruelties inflicted by its professors, had become the most prevalent and powerful feeling of his country, and which, of late, had been much strengthened by the accredited reports of the Irish massacre, and of similar deeds perpetrated still more recently. He was persuaded that no confidence could be placed in the foe with whom he had to deal, and very little in his allies; and he judged that, to bring the war to a speedy termination, and thus to prevent the more extensive bloodshed which was inevitable in case of its being protracted, he should do well to proceed in such a manner as to send the terror of his name at once from one extremity of the island to the other.

With this determination, he commenced the memorable siege of Drogheda. The importance attached to that town had led Ormond, the royalist deputy, to put it into the best posture of defence, and to garrison it with between two and three thousand of his best troops. Cromwell, instead

Tower. Under this sentence he petitioned the lower house, and wrote to Cromwell and others, and then threw himself upon those "honest blades," the "private soldiers," and the agitators. His release from the Tower had been obtained only a few weeks before his recommitment, as mentioned above. Walwyn and Overton, who were committed with Lilburne in 1649, were among the freethinkers of the times of the commonwealth. State Trials, iv. 1269—1470. Whitelocke, 391. Journals, April 11, May 12, July 13, Sept. 11, Oct. 30.

Cromwell's expedition to Ireland.

His policy in this enterprise.

Storm of Drogheda and Wexford.

of allowing himself to be detained by the dilatory process of a siege, effected a breach in the wall, and proceeded to take the place by storm. In two assaults he saw his veterans repelled, but the third, conducted by himself, was successful. His command was, that no quarter should be given to any who appeared in arms; and the greater part of the garrison fell on that day, and most of those who survived were put to death in cold blood on the next—an atrocity sufficiently horrible, without our being obliged to believe that the massacre extended to women and children. Of a hundred and forty soldiers who retreated to a tower, and refused to surrender, the officers, and every tenth man among the privates, were put to death, and the remainder sent as convicts to the plantations in Barbadoes. The town of Wexford was defended by two thousand catholic soldiers; but its walls were scaled without difficulty, and its garrison put to the sword amidst the cries of no quarter*.

One effect of this terrible method of proceeding was to induce the authorities of many towns to open their gates to the conquerors; and this war, commenced in September, had made such progress by the following March, that Cromwell then returned to England, leaving the remains of opposition to be watched or subdued by Ireton. Much of this success, however, was to be attributed to the intolerance and the animosities which subsisted between the native catholics and the protestant royalists, the plans of both being often thwarted, and their exertions generally weakened, from that cause. Cromwell flattered himself with having acted wisely, and, upon the whole, humanely, in this enterprise. But, though terror may bring speedy subjection, and lessen the immediate amount of bloodshed and suffering, the submission produced by that means is not often lasting. It is to compress the flame, not to extinguish it.

The secret of the cruelty, and of the rapidity, which marked the proceedings of Cromwell in Ireland, was the necessity of placing England, at as early a period as possible, in a condition to meet the threatened hostilities from Scotland.

Proceeding in Scotland—
landing of the king.
With the intention of providing against danger from that quarter, an order had been issued by the parliament in January requiring his presence in England—the negotiations between the estates at

* Ludlow, i. 253—270. Carte's Ormond, ii. 116, *et seq.* Leland's History of Ireland, iii. 349—363. Whitelocke, 411—430, *passim*. The several communications to the parliament of the slaughter at Drogheda make no mention of the death of any who were not found in arms; and the silence of other authorities who had good means of information on that point, and no disposition to withhold it, particularly Castlehaven (Memoirs, 79—81) is enough to excuse our scepticism respecting it. The communication from the military chaplain, Hugh Peters, is shockingly characteristic of the barbarian fanaticism by which not a few about him must be supposed to have been animated. "Sir, the truth is, Drogheda is taken, 3352 of the enemy slain, and 63 of ours; Aston, the governor, killed, none spared; we have all Trym and Dundalk, and are marching to Kilkenny. I come now from giving thanks in the great church. We have all our army well landed. I am yours, Hugh Peters, Dublin, Sept. 15." "Mr. Peters, the minister, arrived at Dublin; and, at the beginning of the troubles in Ireland, had a brigade against the rebels, and came off with honour and victory." Whitelocke, 410, 411.

Edinburgh and the young king, which were concluded some months later, being then in progress. The terms insisted on by the Scotch commissioners were, that Charles should adopt the league and covenant; that he should acknowledge the authority of all parliaments convened since the beginning of the civil war; that he should disavow the peace with the Irish catholics, and promise never to tolerate the catholic worship; and that in all civil affairs he should consent to govern through the medium of parliament, and in all ecclesiastical matters with the concurrence of the kirk. Charles, much to the disadvantage of his affairs, hesitated to comply with these terms, until he became aware of the failure of the Scotch royalists under Montrose, which did not occur until April. After that event, all hope of obtaining more favourable conditions vanished; and, in compliance with the advice of those about him, and with the tears of his mother, the young monarch made the promises, and took the oaths required from him. He then embarked without delay; and, after a voyage of some tediousness and hazard, landed in Scotland on the twenty-third of June*.

By this time Cromwell had resumed his seat in parliament, and it had been determined not to wait for the attack from Scotland, Scotland in- but at once to invade that country. Fairfax pleaded vaded. scruples of conscience, as being himself sworn to the covenant, and declined the responsibility of the proposed aggression. The wife of Fairfax had become a violent presbyterian and royalist, and his conduct in this instance, and on similar occasions of late, is ascribed to her influence over him. The commander-in-chief retired from this time into private life, separating himself from all public affairs until the approach of the restoration, when he propitiated his enemies by appearing in favour of the king.

The service in Scotland, declined by Fairfax, was accepted by Cromwell†. On passing the Tweed, the English army were surprised to find the country everywhere laid waste, and the inhabitants fled. It afterwards appeared that proclamations had been issued, which required the people, through the whole space between Berwick and Edinburgh, to remove or destroy their substance, and to fly northward, on pain of the anathema of the kirk, and of losing their property and their lives. And lest these penalties should not prove sufficiently alarming, it was given out that Cromwell was the very Apollyon of his age, that it was his manner to cut off the right hands of all boys who were six years of age,

* Charles affected to condemn the effort of Montrose as made in opposition to his authority. Balfour, iv. 24, 25. Thurloe's State Papers, i. 147. Whitelocke, 424—447, *passim*.

† Whitelocke, 444—446. Ludlow, as usual, describes Cromwell as insincere in his attempt to prevail on Fairfax to comply with the wishes of the parliament. But Mrs. Hutchinson, a more discriminating and a more generous enemy, states, on the authority of her husband, her conviction to the contrary. Ludlow's Mem. i. 269, 270. Hutchinson, ii. 170, 171. The remark of the last writer on the conduct of Fairfax is highly characteristic. "But this great man was then as unmoveable by his friends as pertinacious in obeying his wife, whereby he then died to all his former glory, and became the monument of his own name, which every day wore out."

to destroy all males from sixteen to sixty, and to bore the breasts of women with hot irons. As the consequence of these threatenings and reports, the country everywhere presented the aspect of a deserted wilderness. But, by keeping near the coast, Cromwell obtained supplies of provision from the fleet which accompanied him*. He discovered the Scottish army between Edinburgh and Leith, but so entrenched, and otherwise protected, as to preclude the possibility of successful assault. The policy adopted by their general was to avoid an engagement, and to exhaust the enemy by scarcity of provisions, fatigue, and sickness. During several weeks, this plan was acted upon with steadiness and effect, and Cromwell began to look on his diminished ranks with some apprehension. On the last day in August he commenced a retreat, in the hope of inducing the enemy to follow him, or, failing in that respect, with the intention of fixing his quarters in Dunbar. The ministers in Edinburgh, impatient of the presence of an enemy so much the object of their aversion, and whose total overthrow they had prophesied with increasing confidence from the beginning, no sooner saw the sectaries striking their tents, and moving southward, than they called loudly for an immediate abandonment of that timid and distrustful policy which Leslie, their general, had hitherto followed. Their influence prevailed, and the general received instructions according to their wishes. The English army did not exceed twelve thousand men; the Scots, who now followed cautiously upon their rear, amounted to more than twice that number, but many of the latter were men who had never seen war, while the former, both infantry and cavalry, consisted almost entirely of veteran soldiers. The Scots had sent forward detachments to seize upon the passes, and to make the expected retreat of the enemy to England as ruinous as possible.

Cromwell marched on the first day to Haddington; on the second, to Dunbar. At this point Leslie pressed closely on the invaders, and took possession of the heights of Lammermuir on the right and left; while Cromwell spread his force over an open plain near Broxmouth house—the two armies being still separated from each other by a formidable dyke. The Scots looked on the foe beneath them as snared and taken. During the first day, which was the sabbath, both armies remained motionless. On the following morning the Scots began to descend toward the foot of the hill. Cromwell, who till that moment had been engaged in prayer with the officers, watched this movement, and, regarding it as the token of an intention to fight, exclaimed, “The Lord has delivered them into our hands.” Through that day, however, the dyke deterred either party from making the attack; but some hours before daybreak the next morning, Cromwell despatched a brigade to attempt the gaining of a pass between Dunbar and Berwick, which would allow

* Whitelocke, 447—451. 454. “As the army marched through some towns, poor women fell on their knees, begging that they would not burn their breasts before they destroyed them, and children begging to save their lives.” Ibid.

of their falling with advantage on the position of the enemy. By six o'clock this object was accomplished, and Cromwell, advancing with the main body of his army, placed himself in front of the enemy's cavalry. The Scots were seen in the act of coming to the charge, when the sun, hitherto obscured by a fog, suddenly burst forth, and scattered the mist which had concealed the combatants in a great degree from each other. Cromwell, glancing at the breaking splendour and dispersing vapour, shouted, "Now let God arise, and his enemies shall be scattered." The charge of the Scots was made with spirit, but was met with so much order and force, particularly by the infantry, that they presently began to give ground; and the Scotch infantry no sooner looked upon the rout which began among the cavalry, than a panic seized them, and throwing away their arms, they fled in every direction. Four thousand Scots fell on that day, and ten thousand were made prisoners. The victory of Dunbar opened the gates of Edinburgh to the invaders*.

During his stay in that city, Cromwell endeavoured to conquer the men by his powers in argument, whom he had subdued by the sword. His passion for polemics, it should be remembered, was older than his reputation in the field, and he was now among a people who revered no power so much as that of acuteness in debate on a question of theology. It is by no means just to ascribe to hypocrisy the attempt of Cromwell to convince those men that he had thought on their favourite topics as effectually as themselves, and that he could reason upon them with as much force and readiness. In so doing, he acted in accordance with the spirit of his age and country, and with his own early habits and impressions†.

* Whitelocke, 455, 456. Old Parl. Hist. xix. 433—452. Carte's Letters, i. 381. Balfour, iv. 97. Ludlow, i. 283, 284.

† Whitelocke, 458, 459, 461. Thurloe, i. 158—163. It is not without an effort that we can form an adequate idea of that enthusiasm on the subject of religion which possessed the mind of Cromwell and of many with whom he acted. Baxter speaks of being present at a vigorous skirmish between some parliamentarians and a detachment of royalists under Goring; and adds: "I happened to be next to major Harrison when the flight (of Goring's party) began, and heard him, with a loud voice break forth into the praises of God, with fluent expressions, as if he had been in a rapture." Life, lib. i. part i. p. 54. Concerning the early life of Cromwell, the royalist, sir Philip Warwick, writes: "After the rendition of Oxford, I had occasion to converse with Mr. Cromwell's physician, Dr. Simcott, who assured me that for many years his patient was a most splenetic man, and had fancies about the cross in the town, and that he had been called up to him at midnight, and such unseasonable hours, very many times, upon a strong fancy that he was dying. The first years of his manhood were spent in a dissolute course of life, in good fellowship, and gaming, which afterwards he seemed very sorrowful for, declaring he was ready to make restitution unto any man who would accuse him, or whom he could accuse himself to have wronged. When he was thus civilized, *he joined himself to men of his own temper, and pretended unto transports and revelations.*" Mem. 275. A less generous enemy remarks of him at this time, that "he assumed the behaviour of a penitent, and gave himself wholly up to the hearing of sermons, reading of godly books, and to works of mortification." Bates, Elenchus Motuum. Pars ii. p. 219. See Harris's Life of Cromwell, 5—16.

The battle of Dunbar gave the victors possession not only of Edinburgh, but of the fertile county of Fife, and of the whole country to the Forth. It served also to call up a powerful party in Scotland, who were more disposed to act with the parliament of England than to submit to the new king. These formidable checks, however, were not sufficient to prevent the young prince from being crowned with much ceremony at Scone, nor to deter him from entertaining the thought of carrying the war into England.

With that view Charles left Stirling on the last day in July, at the head of a considerable army suddenly assembled for the purpose. This movement appears to have taken Cromwell by surprise; and so rapid were the marches of the king, that he found it possible to cross the borders, and to reach Worcester, without encountering an enemy. From that point the monarch issued his proclamations, calling upon the nobility, gentry, and people, to join him; but though the army which he brought with him amounted to twelve thousand men, a few hundreds only discovered sufficient inclination or courage to obey his summons. In the mean time, Cromwell arrived with a force which had increased with every day's march since his entrance into England, and joining his followers with the regiments under Lilburne, Harrison, and Lambert, was hailed with the loudest acclamations. The parliamentarians in the neighbourhood of Worcester were now much more numerous than the royalists, but several detachments were separated from the main body under Cromwell by the windings of the Tean and the Severn; and it was this circumstance which, on the third of September, disposed the king to give battle to the force commanded by Cromwell on the east bank of the latter river, the bridge which had been thrown over it that morning having rendered it probable that no other opportunity for attacking any division of the enemy apart from the rest would occur*.

Cromwell took possession of a rising but undulating ground called Redhill, the high ground at the back of which was covered with Perrywood. Redhill was about half a mile east of the city, stretching over a space of nearly that extent. The king brought all his available force, consisting of sixteen thousand men, to the conflict in that quarter. The first attack of the royalists was on the newly raised militia regiments. These troops had volunteered their services, and during the day acquitted themselves with great credit, but shrunk before the first onset, leaving some of their guns in the hands of the enemy. Several regiments more accustomed to such dangers were now brought into action, and pressed with so much weight and steadiness on their opponents, that, after a sharp conflict, maintained with various success during more than four hours, the retreat of the royalists became general, and horse and foot began to

Charles begins
his march
toward Eng-
land.

Battle of
Worcester.

* Ludlow, i. 311—313. Whitelocke, 458—480, *passim*.

seek the shelter of the city. Even there their pursuers followed them, and the struggle so long sustained in the field was renewed in the streets. But victory had taken the side of the parliament; and Charles, having given an example of courage worthy of the object for which he contended, owed his escape through the north-east gate of the city to the generous effort of a small body of his adherents, who, to call off the attention of the enemy from that quarter, made a show of resistance in another*.

After nightfall, the king listened to his followers, who advised his proceeding before day-break, with a few trusty attendants, to Boscobel House, the concealments of which would afford him the best chance of safety. At Whiteladies, a house in the same neighbourhood, and the property of the same family, the king rested, after a ride of five-and-twenty miles. Before sunrise Charles dismissed his followers, and quitted the house, disguised as a woodman, having discoloured his skin, and parted with his long hair. By this promptitude he avoided a party of the parliament cavalry, who surrounded the house at an early hour, and searched all its apartments. From the neighbouring wood, in which he passed the day after the battle, the monarch journeyed on foot the following night to Madely, with the intention of casting himself upon the royalists in Wales, until a vessel might be secured to convey him to France. But the country was everywhere scoured by the enemy; the passes of the Severn were all guarded; and after concealing himself during the daylight beneath the hay in a barn, Charles returned the following night, weary and depressed, to Boscobel. The next day he spent in an oak tree, in company with colonel Careless. This tree stood near a pathway crossing a meadow. The meadow was surrounded by a wood; and the tree having been recently cut so as to present a dense mass of foliage, it afforded protection to the fugitives, while, by making slight apertures, they watched the motions of their pursuers more than once in the course of the day.

On the eighth of the month, the king joined lord Wilmot at Mosely, his guardians at Whiteladies having supplied him with a horse from the mill for that purpose, and with the roughest and most threadbare suit the house could furnish. The royal confidants in all these places were catholic recusants, and the day after the arrival of the king at the place last mentioned the house was visited by a party of soldiers, and a search was with difficulty prevented. From Mosely Charles proceeded on horseback to Bristol, disguised as servant to the daughter of colonel Lane, who had obtained a pass to visit her relations in that city. The king's next move was to the house of colonel Windham, near Sherborne, from which place he proceeded to Lyme, expecting to find a captain who

* Ludlow, i. 314. Whitelocke, 482—485. Old Parl. Hist. xx. 40—45. Boscobel, 14—22.

had been engaged under pretence of assisting a young couple in escaping to France, whose marriage he was told had been interdicted by the merciless selfishness of the lady's guardian. But the captain's wife prevailed on him to forego his engagement, and another vessel was not to be obtained. Juliana Coningsby, accordingly, the pretended ward, with Wilmot, Windham, and Charles in the dress of a servant, returned, after a night of alarm, and some dangers by the way, to their former asylum. By this time the rumours afloat suggested that the house of colonel Windham was no longer a safe retreat. From the eighth of October to the fourteenth the king found his place of refuge at Heale, near Salisbury, and from that place he proceeded to Shoreham, where, after being recognised by more than one person, he embarked in a coal vessel, which bore him safely to the small town of Fecamp in France*.

CHAPTER II.

Conduct of Lilburne—State of public feeling—Arbitrary conduct of the Government—Disaffection of the Presbyterians—Execution of Love—State of Religion in England during the Commonwealth—The Universities—Ireland—Scotland—Transactions with foreign Powers—Portugal—Spain—United Provinces—Cases of Disagreement with the States—Commencement of Hostilities—War declared—Naval Conflicts—Change in the apparent character of the English people—Excesses of the new spirit manifested by them—Conduct of Cromwell—Proceedings with regard to a new Parliament—Character of the Parliament—Power of Cromwell—His views concerning the Government best suited to England—His difficulties—Conferences between Members of Parliament and the Officers—Clause in favour of the Presbyterians—Stratagem of the Parliament—Cromwell disperses the Members—Puts an end to the Council of State—His conduct considered.

THE battles of Dunbar and Worcester gave an increased splendour to the fame of Cromwell. But his old acquaintance Lilburne, and the mixed multitude of persons who may be described as the disciples of that

person, were not to be awed into obedience by any greatness in their general. In a few months after his commitment to the State of public feeling. In 1649, Lilburne obtained a verdict of not guilty from a jury, to the great mortification of his prosecutors. In 1652

a new offence placed him in their power, and by a vote of parliament he was required to pay a heavy fine, and was banished for life. In the following year he solicited Cromwell for permission to return, and receiving no answer, ventured to appear amidst his old associates. The sentence which banished him made this conduct felony; and after several

* Blount's Boscobel. Harleian Miscellany, iv. 441. *et seq.* Retrospective Review xiv. 26. Bates, Elenchus, Part ii. Clarendon Hist. vi. 519—541. Lingard, xi. 85—97.

petitions had been presented in his favour by the apprentices in London, and others, he was placed a second time before a jury. During five days he contrived to embarrass the proceedings of the court; and when obliged to plead, protracted the trial to a late hour of the third day. His courage and dexterity increased the number and attachment of his followers, some thousands of whom attended daily, and many with arms, for the purpose, it was rumoured, of effecting a rescue should the verdict be unfavourable. Papers, indeed, were circulated, which declared that Lilburne should not die until "three score thousand" men who had embraced his true principles of republican government had shown themselves ready to die with him: and Cromwell, who watched these proceedings with deep interest, considered it prudent to have some detachments of military in readiness to suppress disorder.

The chief arguments of the prisoner were, that the parliament, consisting of a house of commons only, could be no court of justice, and accordingly had no authority to send him into banishment; that independent of that fact, the functions of the parliament which passed that sentence upon him had ceased with the death of the late king; that no decree even of the most properly constructed legislature should be deemed binding on the consciences of men, if unjust in itself; and lastly, and above all, it was contended that a jury should judge of the law of the case brought before them, as well as of the fact, and should accordingly set at nought all instructions requiring them to convict an accused man in a penalty which they knew to be unmerited. The jury listened to his pleading sixteen hours on the last day, and then pronounced a verdict of acquittal. The reiterated shouts raised by the multitudes in the neighbourhood of the Old Bailey were heard in Whitehall, at Westminster, where Cromwell was then resident, and awaiting the issue of this contest.

But the sentence which called forth this loud exultation was not followed by the liberation of the popular favourite. On the ground of some seditious aspersions against the ruling powers, proved to have been uttered by him during his trial, he was remanded to the Tower, and it was resolved by the parliament that he should remain a prisoner during pleasure. The law authorised him to demand the cause of his recommitment, and the open trial of that cause. But this great safeguard of personal liberty, for which the Eliots and Hampdens had so honourably contended, was in this case put in abeyance, on the plea that the spirit of license abroad made the possession of such immunities for the present incompatible with the existence of any government. Even the jurymen, after the evil example of former times, were questioned on account of their verdict, but do not appear to have been subjected to any restraint or penalty. Their unanimous defence was, that they were not bound to confine their verdict, as required by the court, to the simple fact that the John Lilburne at the bar was the same who had been sent into

banishment, but that it became them to judge of the law of the case, as affirmed by the prisoner*.

Lilburne was removed from the Tower to Jersey: he obtained his release from Elizabeth Castle in that island in 1657, and died not long afterwards, ending his stormy course as a member of the society of Quakers. His history affords much instruction with respect to the feeling and character of his times.

It was maintained by the prosecutors of Lilburne that the existing government promised to be a greater benefit to the country than any that could be substituted in its place, and that, in consequence of its being so recently and so imperfectly established, it could not be expected to continue long, if men were left at perfect liberty to scatter their firebrands among the combustible material that lay everywhere around it. In the case of Lilburne, this hazard, they said, was not to be provided against consistently with the ancient laws of the land, and that they were therefore at liberty to avail themselves of those precedents which the necessities of the late times had served to multiply much beyond the wishes of wise and patriotic men. They spoke also of these irregular exercises of power as in a great degree peculiar to newly established governments, and in fact as necessarily attendant upon them when introduced as the result of a protracted struggle between powerful parties.

Whatever may be thought of this reasoning, nothing but a real sense of danger could have induced many of the leaders in this new order of things to concur in demanding, as they did at this time, that every man in England, above seventeen years of age, should promise to be faithful to the commonwealth, on pain of not being allowed to maintain any action at law †. To this cause also we must attribute their conduct in giving so dangerous a permanence to the high court of justice, a tribunal which, in regard to state questions, deprived the subject of the protection secured to him by the common law, and the most valued statutes, and placed the country, in effect, under martial law. The reproach of inconsistency was unavoidable in such proceedings, and would not have been incurred by shrewd men, except as deemed necessary in providing against greater evils. But at the moment when these questionable courses became most observable, the standard of Charles Stuart was unfurled in Scotland; and the royalists in England, small as was the effort made by them when the crisis arrived, were more or less associated in every district of the country for the purpose of assisting his enterprise—much of the secret correspondence relating to those local organizations having passed from time to time into the hands of the government. Colonel Andrews and captain

Arbitrary
conduct of the
government.
Jan. 1650.

* State Trials, v. 407—450.

† This was the "engagement" which gave so much offence to the Presbyterian royalists. It was adopted in immediate prospect of the invasion of Scotland. Neal, iv. 8—12.

Benson suffered death, and others were subject to minor penalties, as parties who had been engaged in aiding and uniting these various bands of conspirators*.

But the disaffection of the old royalists was not so difficult to suppress as that of the new. The latter included the great majority of the presbyterians in both kingdoms. These parties had never contemplated the fall of the monarchy, and still less the fall of the covenant; and the cavaliers themselves were not more opposed to taking the oath of fidelity to the existing government. They refused to observe the days of fasting or thanksgiving appointed by authority; nor could they be induced, as was the custom of the age, to read the acts of parliament from the pulpit. The most active of this party were known to be in communication with the Scots, and desirous that the plans which were frustrated by the defeat at Worcester should be realised. Even Baxter denounced the invasion of Scotland, and employed his eloquence to dissuade the soldiers from engaging in it†.

In attempting to curb this waywardness, the parliament proceeded with caution and firmness. Persons were appointed to negotiate with the malcontents, and to assure them of the protection of the government, and of the security of their preferments, on condition of their agreeing to abstain from meddling with affairs of state; and with respect to those who should persist in vilifying the civil power from the pulpit, it was resolved that their conduct should fall under the judgment of a committee, who should be empowered to deprive them of their livings. As the Scots encouraged these disorders, the parliament addressed a remonstrance to their erring brethren in both nations, complaining of the injustice which made the proscription of every form of ecclesiastical polity beside their own an indispensable condition of their friendship. They say, however, "We are still determined not to be discouraged in our endeavours to promote the purity of religion, and the liberty of the commonwealth; and for the satisfaction of our presbyterian brethren, we declare that we will continue all those ordinances which have been made for the promoting a reformation

* Milton's State Papers, 33—57, *passim*. Leicester's Journal, 97, *et seq.* State Trials, v. 1—42. Whitelocke, 486.

† "From Shrewsbury. The ministers preach much against the present government, to encourage the people to sedition, and to rise for the king. That on the day of the public fast, kept in one of their churches, there was a mock fast kept in the other two churches by agreement of ministers, and two sermons preached in them purposely to disturb the fast enjoined by authority." Whitelocke, March 4, 1649. "Letters from Chester of the ministers in that county exclaiming against the engagement, and condemning all that take it to the pit of hell." *Ibid.* March 5. "From Newcastle. The taking the engagement sticks most with the presbyterians, who pretend conscience to oppose it, but the cavaliers, in policy, subscribe it." January 22, 1649. "The clergy of Scotland have procured strict orders from the commissioners of the states for the prosecuting of the sectaries, and have a great arbitrary power in proceeding against them, and they are purged out of the army as well as malignants." Whitelocke, Ap. 1650.

of religion in doctrine, worship, and discipline, in their full force, and will uphold the same, in order to suppress popery, superstition, blasphemy, and all kinds of profaneness. Only we conceive ourselves obliged to take away all such acts and ordinances as are penal in matters of conscience. And because this has given so great offence, we declare, as in the presence of God, that by whomsoever this liberty shall be abused, we will be ready to justify our displeasure against them by an effectual prosecution of such offenders *.”

In the hope of soothing these infallible theologians still further, it was resolved that the dean and chapter lands, excepting those of Christ church, and of the great public schools, should be sold. The money obtained from that source, and from the sale of the bishops' lands in 1646, was applied to the augmentation of poor livings. Presbyterianism was allowed to remain as the established ecclesiastical polity; and the law relating to tithes was not to be disturbed until an equivalent, equally certain, should be provided in the place of them. Still, the sectaries were to be tolerated through the nation, in the universities, and, under certain restrictions, within the establishment itself; and this grand delinquency in the bearers of the civil sword, allied as it was with preferences hostile to monarchy, was enough to keep a formidable number of the English covenanters in a state of avowed disaffection. It followed, as a consequence, that ministers of the independent persuasion were placed in greater prominence by the government than they would otherwise have been; and the presbyterians not only saw those hated sectaries the possessors of livings in the church, but, what was to them still more irritating, raised to the chief places of trust and honour in the universities †.

But the blow which humbled this proud aristocracy the most was the Execution of execution of Love, one of their most popular preachers. It Love. was proved that a conspiracy had been carried on at the house Aug. 22, 1651. of this divine; that monies collected in aid of Charles Stuart, and of his adherents in Scotland, had been laid on the table of the prisoner; and that he had some acquaintance with the contents of certain treasonable letters which had passed between his associates and correspondents. His condemnation called forth numerous petitions in his favour; the parliament deferred execution of the sentence; and, after a while, transferred the matter to the judgment of Cromwell, who was then in Scotland; and Cromwell, by remaining silent until the day of execution arrived, allowed the sentence passed to take its course. The presbyterians had never been filled with so much astonishment and alarm as by this proceeding. Laud had perished on the same block, and it was now manifest that “painful preachers” were not to parley with treason any more than popish prelates ‡.

* Parl. Hist. iii. 1324.

† Neal, iv. 8—25. Orme's Life of Owen, 132—135, 167—187, *passim*.

‡ State Trials, v. 48—267. Milton's Papers, 50—76. Whitelocke, 470—474.

The moderation of the English parliament on matters of ecclesiastical conformity was, during the period of the commonwealth, without precedent in the history of this country. It did not indeed extend to a toleration of the catholic worship, nor to the open use of the episcopal liturgy. The former exception was made on the assumption that the sacrifice of the mass was an act of idolatry, and the latter on political, more than on religious grounds. The doctrines of Socinus also were described as blasphemy, and their early advocates in this country, Fry and Biddle, were subject to prosecutions, the former being excluded from his place in parliament, the latter imprisoned. Nor were the magistrates to forget that on them it devolved to check and punish all sorts of immorality and profaneness. But with these exceptions, no man was to be molested on account of his religion.

The majority of the established clergy were presbyterians. With these, as we have stated, were some independent ministers, and a few of the baptist denomination. Many episcopalians retained their livings, the only qualification required from them being a promise of submission to the present government. Some gave this pledge on the ground that they had always been the advocates of a reformed episcopacy, others, from supposing that no particular form of ecclesiastical government is essential to Christianity; and a greater number, perhaps, from a wish to avoid secular inconvenience, or from being little concerned about the religious differences of the times. It may be added, that the most unwilling conformist, though he might not read the liturgy, was allowed to make selections from it to almost any extent in the extempore prayers which he was required to offer from the pulpit.

Amid the senseless extravagance and hollow pretensions which were no doubt prevalent in that age, it may be questioned whether England has ever possessed a larger amount of conscientiousness, morality, and sincere piety, than during the brief day of her commonwealth. No real piety was needed to enable a man to take up the religious phraseology of the times, to frequent long services, or even to take an effective part in them; but men whose lives were blameless, and who laboured with much patience and self-denial for the moral and religious improvement of their neighbourhood, are entitled to our favourable judgment. The two thousand clergymen whose noble integrity taught them to relinquish their livings in 1660, and the tens of thousands who adhered to them through the long night of proscription and persecution that followed, were all men who had grown up amid civil war, and who, having shown what they could accomplish under one government, were to show what they could endure under another. Even in this better class, there was too generally, as we have often remarked, a narrow spirit of intolerance, which makes them justly liable to censure. We shall have occasion also to observe, that the character of gloom and severity, which their views of reli-

gion imparted to their general manners, was connected with attempts to discountenance and suppress many of those public indulgences and amusements, which, though common to the mass of the people in all countries, were regarded as leading to so much profaneness and sensual excess, as to render the permission of them in the instance of any government professing a subjection to the authority of the Christian religion highly criminal.

With regard to the state of the universities during the interregnum, it is in the following terms that Clarendon describes the condition of Oxford at the time of the restoration:—"It yielded a harvest of extraordinary, good, and sound knowledge in all parts of learning; and many who were wickedly introduced, applied themselves to the study of learning, and the practice of virtue." On the contrary, nothing could be more deplorable than the state of Oxford when it passed at the close of the war into the hands of the presbyterians, or rather of the independents. Most of its colleges and halls were in a dilapidated and almost deserted state, occupied by the military, converted into magazines, or rented by the townsmen. Five were without an inmate. Scarcely any evidence of the work of education could be seen. The long accumulated treasure of the university had been consumed, its debts multiplied, and its general appearance was that of poverty and ruin*.

From this review of the ecclesiastical affairs of England under the commonwealth, we shall pass to notice the general affairs of Ireland and Scotland to the close of the same period. In the former country, the victories of Cromwell were followed by the same vigorous and successful prosecution of the war on the part of Ireton. In the autumn of that year, the county of Clare, and the provinces of Connaught, afforded the royalists their only asylum; and those districts were suffering from pestilence and famine. Disaster only seemed to multiply the causes of dissension, and to convince the confederate catholics more and more that no good could follow from an enterprise in which heretics under the sentence of excommunication were allowed to take so prominent a part. In the spring the Shannon would become fordable, and then their last retreat must fail. It was while the insurgents were occupied with these irritating and foreboding topics that commissioners arrived from the English parliament with the offer of peace on terms declared by the confederates to be moderate, and such as should be accepted. But they were controlled in their judgment by two of their leaders, Clanricarde and Castlehaven, who, faithful to the secret instructions of the young king, were determined at all hazards to continue the war in Ireland, until the result of the attempt about to be made upon England should be ascertained. The proposals

* Clarendon, Hist. iii. 246. 298. 317. 350. v. 169. 481, 482. Orme's Life of Owen, 169—187.

of peace were accordingly rejected by a majority; and the catholic council employed itself for some months in negotiations to obtain succours from that distinguished adventurer, the duke of Lorrain. But the battle of Worcester soon followed, and by allowing the parliament to send reinforcements to the army in Ireland, made submission inevitable. What remained was an expiring effort, though the complete subjugation of the island did not take place before the spring of 1653.

By the terms of capitulation, those who laid down their arms were aided in transporting themselves to enter the service of foreign princes, with the exception of individuals who had murdered any of the English, or had been engaged in the massacre of 1642; all such persons were reserved to become examples of criminal justice. The civil authorities were enjoined to carry on the government, and to administer justice, in all possible cases, according to the laws of England. But a high court of justice was instituted to meet cases of exception; and the forfeitures and changes which took place in regard to property were such as to prevent the inhabitants from forgetting that they were a conquered people. The estates seized were of immense extent, and little remained which had not in effect been declared liable. Power was moreover given to the authorities of the island, in conjunction with the parliamentary commissioners, to compel suspected persons, and large masses of the people, to exchange their residence whenever such exercises of their functions should be deemed expedient for the public tranquillity. The catholic worship was not tolerated; and the priests, from being regarded as the chief authors of the late massacres and rebellion, were exposed to severe penalties. It is certain that the country had never been so completely subdued, though the necessity of exercising such large powers, in order to secure what conquest had gained, may be doubtful. The right to attempt conquests, that can only be maintained by such means, is still more questionable. In the judgment of the conquerors, the barbarian fanaticism of the natives was such as to make all hope of permanent submission vain, except as provided for by strong military force, and by vesting such a discretionary authority in the government as would probably lead to frequent acts of despotism. But these arrangements completed, hostilities ceased, and comparative prosperity returned to that long distracted kingdom*.

In Scotland, the same success attended the arms of the commonwealth. Cromwell, on leaving that kingdom to follow the army under Charles Stuart, charged general Monk to pro-
Scotland,
1651.
 secute the work which had been so prosperously commenced, and left him the command of eight thousand men. Monk proceeded with vigour and rapidity toward an accomplishment of the object thus assigned to him. Stirling castle, which boasted of having resisted all

* Ludlow, i. 268—353, *passim*. Clanricarde's Memoirs, 1—58. Carte's Ormond, ii. 118—154. Leland, iii. 364—397. Castlehaven, Mem. 93—98.

the attacks of invaders for more than six hundred years, was obliged to capitulate when assailed by the foe who now invested it; and soon afterwards, accident or treachery placed the whole body of the nobility and others who were entrusted with the government in the hands of the enemy. These prisoners, more than three hundred in number, were seized in assembly at Ellet, and sent, along with the spoils of the regal apartments at Stirling, to London. Stirling castle was entered on the fourteenth of August; the capture of the functionaries at Ellet was on the twenty-eighth; and four days later, the populous and wealthy town of Dundee was taken by assault. The governor had sent an insulting message to the English general when called to surrender, and in revenge, the greater part of the garrison were given to the sword; many women and children also perished during the conflict, and in consequence, it was said, of the sanguinary orders which had been issued by Monk. After the fall of that town, little resistance was made; and the commonwealth, in extending its conquests to Inverness, and to the Orkney and Shetland Isles, boasted of having done more than had been found possible by the ancient Romans, or by the long line of English princes. Measures were subsequently adopted with a view to the incorporation of the country with England; and those measures were prosecuted, in the face of much complaint from the people, and loud opposition from the clergy, but not with such despatch as to be completed when the usurpation of Cromwell put an end to the parliament, and to the commonwealth*.

In its proceedings with regard to foreign powers, the commonwealth maintained its pretensions with a degree of vigour and activity unknown to our history since the better days of Elizabeth. Among the most important of these proceedings, were those relating to Portugal, Spain, and the United Provinces. Only a few weeks subsequent to the death of the king, the fleet which had revolted from the parliament in the preceding year put to sea under the command of prince Rupert. Having committed various depredations on the coasts of England and Ireland, the prince was ere long compelled to seek protection from the government of Portugal. The shelter afforded to the pirate in the Tagus—for such was the name which Blake, the English admiral, gave to the object of his pursuit—led to a seizure of many Portuguese vessels, which was followed by an arrest of the English merchants at Lisbon, and reprisals upon their property. But the Portuguese were not long in discovering that they were unequal to the contest which they had provoked; and after a tedious negotiation of twelve months, and submitting to some haughty treatment from the offended republic, they consented to repair all the injuries they had

* Balfour, iv. 314, 315. Whitelocke, 477. 481, 482. 484, 485. Laing, i. 430, 431.

done, and to defray the charge of the hostilities which had been made necessary by their conduct*.

The Spanish government had never manifested any sympathy with the misfortunes of the late king, but was likely to have much less with the power which now possessed the supreme authority. The hope, however, of finding in the new republic an antagonist of Portugal, and of the States, disposed the ministers of Spain to acknowledge its authority, and to solicit its alliance. Ascham, who was sent ambassador to Madrid, was murdered, while seated at table with a Spanish ecclesiastic, who acted as his interpreter, by a party of English royalists, one of whom proved to be a servant of Cottington and Hyde, then at that place upon an embassy from Charles Stuart. The murder of Ascham was toward the end of May in 1650, and in the following December a grand audience was given to the Spanish ambassador, Don Alonzo, who was desirous of counteracting the efforts of the ambassador just then arrived from Portugal, and of securing the court of Madrid from the blame to which it was liable on account of the fate of the English minister. Alonzo was conducted from his lodgings in the state coach, in company with the earl of Salisbury, Sir Thomas Mildmay, and Sir Peter Wentworth, and followed by between thirty and forty gentlemen in carriages. At Whitehall the procession was received by troops of cavalry, and the whole road from that place to the entrance of the house of commons was lined with military. The floor of the house was covered with a rich Persian carpet, and a little on one side from the centre was a chair of state provided for the ambassador. The attendants remained between the door and bar of the house, while the ambassador advanced, and, having paid the usual respects to the speaker and the members, took his seat. His credentials, written in Latin, were presented to the speaker by Sir Oliver Fleming. Don Alonzo then rose, and "with much gravity and respect, declared the desire his master had to continue the amity betwixt both nations; that the murderers of Mr. Ascham were in close prison under a guard; that the king had used all the ways he could to bring them to justice, being strongly opposed therein by the church; that he doubted not at length to succeed, and would do as much therein as if his own son had been murdered." Philip was farther represented as glorying not a little in the remembrance that himself—the greatest prince in Christendom—had been the first to acknowledge the English parliament as the supreme power of the nation. But of the six men who were concerned in the assassination of Ascham, one fled to the house of the Venetian ambassador, and five to a place of sanctuary; and so strong was the popular feeling in favour

* Whitelocke, 450. 452. 454, 455. 462. 520. Thurloe, 134. 142. 155. Clarendon, vi. 140. 148, 149. 270. 390—395. Milton Papers, 11. 35. 40. 42. 84. Parl. Hist. iii. 1365, 1366.

of the culprits, that the government at Madrid, and their allies in England, deemed it prudent to appear content with the arrest and death of one offender only*.

About twelve months before the death of Ascham, six men of the same party had assassinated Dorislaus, the ambassador of the English parliament at the Hague. The States, though affording Charles and his adherents their chief asylum at that time, could not do less than express their disapprobation of so gross a violation of the laws of civilized nations, particularly as the deed had been perpetrated rather with a studied publicity than with any effort at concealment, and Charles, in consequence, removed from the Hague, and took up his future residence at Breda. Many circumstances, however, naturally disposed the prince to look for aid from the United Provinces. The states of Holland and West Friesland, indeed, were imbued with a fixed republican feeling, and were likely to regard the English commonwealth with favour; but a spirit more friendly to the exiled royalists prevailed in the States-General, where it was strongly supported by the young prince of Orange, who had recently married a daughter of the late king of England. Added to this, were the jealousies natural to the proceedings and intercourse of two great commercial powers. It was not, therefore, until the death of the prince of Orange, nearly two years after that of Charles the First, that the States-General were prevailed upon to receive the ambassadors of the English commonwealth; and even then many difficulties were interposed to gain time, until the issue of the struggle between Charles the Second and Cromwell should be ascertained.

But before the decisive battle of Worcester, the period closed to which the parliament had limited the mission of its envoys, and they returned to London, stating that the failure of their object was in consequence of the artificial delays which had been thrown its way by the persons with whom they had to negotiate. Some of the leading men in the English parliament had given much attention of late to naval affairs, and the success which attended their arms against the king of Scotland, together with the dishonourable treatment they had received from the States, and the protection and encouragement which had been afforded in that quarter to the most violent of their enemies,—all served to beget in them a disposition to try their strength with a power which had for some time challenged the sovereignty of the seas. The states looked on this change in the condition and temper of the English republic with some apprehension, and to propitiate the power which they had done so much to offend, they descended so far from the high ground

* Clarendon, vi. 357—368. 441—449. vii. 174. Milton's Papers, 39. 42. 67. 133. 136. Whitelocke, 462. Thurloe, i. 148—153. 202. Harleian Miscellany, iv. 280. Parl. Hist. iii. 1359.

which they had taken, as to send ambassadors to London to solicit that the negotiation might be resumed there which had terminated so abruptly at the Hague*.

But by this time letters of marque had been issued, which empowered certain English merchants to indemnify themselves for losses alleged to have been sustained by the depredations of vessels from the United Provinces. Nearly a hundred Dutch traders were seized; and what was greatly more important, the memorable Navigation Act was passed, by which it was provided that no goods from any quarter beyond Europe should be imported into England, except by vessels belonging to England, or to English colonists; and that no production of Europe should be imported except by English ships, or ships belonging to the country from which it was obtained. During some time, the carrying trade of Europe had been performed almost entirely by the Dutch; but by this act a blow was inflicted on that source of their opulence and power which they were never able to recover †.

Appearances on both sides bespoke the approach of war. By the states a powerful fleet was prepared, for the sole purpose, it was said, of protecting their commerce; by the parliament it was demanded that the honour given to the English flag within the limits known by the name of the narrow seas should still be rendered to it; that the Dutch fishermen, who came within a certain line of the British coast, should pay the old tribute of the tenth herring; and that the losses inflicted on several English merchants in the East Indies should be repaired. These matters had scarcely become points of deliberation when an irregular engagement took place between Blake and the famous Dutch admiral Van Tromp. Night parted the combatants, leaving the advantage on the side of the English, and each accused the other of being the aggressor. It is probable that the fault was to be traced to the impatience of Blake: it is certain the Dutch government exercised great forbearance at this juncture, and did every thing in their power to prevent a rupture. But when it became known that among the

Letters of
marque is-
sued—the Na-
vigation Act.
Oct. 1651.

Commence-
ment of hosti-
lities.
May, 1652.

* Thurloe, i. 112—183, *passim*. 188—195. Par. Hist. iii. 1363—1366. The servants of Strickland, the English envoy at the Hague, were attacked at his door by cavaliers with drawn swords; and an attempt was made to add St. John to the list of assassinated ambassadors, by breaking into his chamber. Indeed, with the cavaliers generally, both at home and abroad, this barbarous method of proceeding had become a topic of boasting and merriment, rather than of reprobation. Clarendon informs us, that Don Lewis, the prime-minister of Spain, speaking to him of the assassination of Ascham, said, "I envy those gentlemen for having done so noble an action. The king, his master, wanted such resolute subjects, otherwise he would never have lost a kingdom, as he had done Portugal." Hist. vi. 449. And we have seen the terms in which Clarendon himself spoke of the assassination of Rainsborough. So demoralising are the effects of civil commotion, and so strongly does it tend to throw civilised men back upon the expedients of the savage.

† Par. Hist. iii. 1374.

conditions insisted on, was a demand that the expenses incurred by the parliament with a view to the protection of the commerce of England against the menacing preparations of the States should be defrayed by that power, it was manifest that no honourable peace could be at present maintained.

The first armament sent out by the Dutch was deemed powerful enough to dismay opposition. But the elements were not so favourable to Van Tromp as the expectations of his countrymen. He returned with the loss of five frigates, and without any achievement. An attack was afterwards made by the English admiral Ayscue upon the convoy of a fleet of merchantmen under De Ruyter; but, though conceived and executed with much spirit, the attempt to break through the enemy's line favoured his escape, by separating one portion of the English squadron from the other. The Dutch lost thirty-six vessels in this action. The celebrated De Witte was now united with De Ruyter. Blake accepted an offer of battle from the two commanders. On the first Sept. 28. day the conflict raged until nightfall. The next morning the Dutch fled in the direction of Goree, where the difficulties of the navigation afforded them a retreat from the pursuit of their antagonist.

This battle was fought toward the end of September. About a month later, Blake allowed himself to be surprised, while at anchor, by the appearance of a fleet consisting of more than twice the number of vessels then at his disposal. Victory of Van Tromp. Nov. 29.

But though placed at such odds, the veteran commander could not be induced to turn his back upon the enemy. The battle which ensued was continued until night, when Blake found, that though considerable damage had been done to his assailants, five vessels out of the thirty-seven under his command in the morning were lost, and he availed himself of the cover of the night to escape from the probable consequences of a renewed encounter on the morrow. Van Tromp was the Dutch commander on this occasion; and he afterwards appeared at different points on the coast with a broom at his mast-head, to denote that he had swept the English from the ocean.

But this boast was of short duration. Early in February, the English admirals Blake, Dean, and Monk, appeared off the island of Portland with a fleet of eighty sail, waiting for Van Tromp and De Ruyter, who were expected to pass that way with an equal force, and a convoy of three hundred merchantmen. On the eighteenth of that month the enemy made his appearance, and a battle commenced, which lasted three days. The result was a victory on the side of the English, much more decisive than had occurred during the war. The loss of the Dutch consisted of thirty merchant vessels, eleven ships of war, and two thousand seamen, besides fifteen hundred

Defeat of Van Tromp.

taken prisoners. On the part of the English the slain was nearly as numerous, but the fleet, though considerably damaged, returned with only one vessel missing. The English parliament voted thanks to the admirals, and collections were made for the widows of the seamen who had perished*.

It is hardly possible to avoid observing the different spirit, and the different results, of the warlike enterprises in which this nation engaged after the commencement of the civil war, ^{Change in the apparent character of the English at this period.} as compared with its apparent inaptitude for such enterprises during the interval from the decease of Elizabeth. The nation of which foreigners spoke as having become one of the most pusillanimous, and one of the most incompetent to any critical or perilous undertaking, is suddenly found capable of affording proofs of disciplined valour, both upon the land and the deep, to which modern history had no parallel. It may be safely believed that there was no army in Europe that could have stood, in equal numbers, before the army of the English commonwealth; and those naval tactics, which it cost the United Provinces the experience of several generations to acquire, seem to be fully comprehended, and even surpassed, in the practice of a few brief years, by the English of this period. We know not in what manner to account for this change, without attributing it to those popular views of government, and still more to those views of religion, which were then so commonly entertained by the soldier and the sailor, and which taught them to regard the contests in which they were engaged, not as maintained for their country merely, but as relating immediately to their personal rights, and their religious freedom. It was the novelty and the nobleness of the objects pursued which gave this new power and complexion to the national character.

But when the attention and feeling of a people have been once strongly directed toward such objects, and the work of revolution has commenced, it is not often an easy matter to restrain the spirit thus raised within those limits to which a wise ^{Excess of its new spirit.} reflection would restrict it. The sympathy with public objects, and the consciousness of power and of right, which have been called forth, may perform the good works assigned them, so long as there remains a public enemy to impose the necessity of union and activity; but as soon as that necessity is withdrawn, the same qualities may be found to generate a fondness for extravagant theorising on matters of government, and may give existence to many narrow turbulent factions, each making the greatest pretension to patriotism, but each being persuaded that the good of their country is not to be secured except by an adoption of their own favourite schemes. "Almost every

* Journals, June, 1652. Whitelocke, 505--544, *passim*. Ludlow, i. 349. 420. Parl. Hist. iii. 1378-1381.

man," says Mrs. Hutchinson, in relation to this period, "was fancying a form of government, and angry when his invention took not place."

No man did more to foster this public spirit at one time, or to check it at another, than Cromwell. On more than one occasion he saw in it the only means by which certain great public objects were to be secured; but he became sensible after a while that the excess to which it had been indulged would soon expose all the weighty results, about which there had been so much contention, to the greatest danger. It is certain also, that in stimulating this feeling at one time, and in restraining it at another, he both spoke and acted, in many instances, in a manner not strictly consistent with his real preferences, his intention being to adapt himself to the nature of the elements about him, and to wield them so as to accomplish the objects which he then had in view, and which in his judgment were most likely to conduce to the public good. That he was ever in heart the advocate of a republican form of government as proper to be established in this country may well be doubted. At the crisis of the "New Model," it had become necessary, if the contest was to be brought to a speedy or successful termination, that the command of the army should not be left with men who were vested with that trust principally on account of their rank, and who were manifesting a tenderness towards royalty, as the natural consequence of their nearer association with it, which was regarded as likely to prove fatal to the popular cause. At that time, Cromwell was charged with having indulged in reflections on this ill-judged preference, and on the folly of hereditary greatness generally, which were said to be inconsistent with a proper affection toward that mixed form of government which all parties were then pledged to support. But a little attention to the character and temper of the persons who preferred that charge will suffice to make it appear highly probable that nothing could then have been proved against Cromwell that may not be reconciled with the supposition of his being no more a republican at that time than was expedient in order to the accomplishment of the great popular change with respect to the command of the army which he then had in view. The next crisis in which his avowal of sentiments of this nature became marked was when the dispute began between the parliament and the army under Fairfax. On the former occasion, he employed the popular sentiment in the army, and elsewhere, that the cause of the parliament might be no longer endangered from being committed to the hands of incompetent or half-hearted persons; and on the latter, he availed himself of the same feeling to prevent such a settlement on the part of the two houses as would have taken from his followers that religious liberty for which they had so successfully contended, and, perhaps, at no distant day, have exposed himself and others to the vengeance of their enemies.

Concerning those objects, it may be safely affirmed, that they were not

more calculated to gratify any feeling of individual ambition in Cromwell, than to secure the triumph of the public cause in which he was engaged ; and that the tone of republicanism which he had assumed for the sake of them, was such, in his view, as to preclude his future adherence to royalty, under certain limits, is highly improbable, from the undisguised earnestness with which he afterwards negotiated to bring about an agreement with the king—a negotiation, it should be remembered, in which he was too much of a republican to please the king, and too much of a royalist to please the army. In short, Cromwell's opinion through life on these matters appears to have been, that all theories of government have their value, not from their abstract excellence, but from their adaptation to the character of the community that may be supposed to adopt them ; and in consequence, instead of concluding, with the small band of republicans at Westminster, that a form of polity was at all likely to be permanent in England, which certainly did not obtain the suffrage of more than one-fifth of its people, he appears to have become anxious, as soon as such a project could be deemed practicable, for some new adjustment, which might possess a better prospect of stability, from being more in accordance with the prevailing sentiment. We are not concerned to prove that Cromwell did not know how to dissemble. All that we maintain in this place is, that much of his conduct which has been placed to the account of hypocrisy and ambition, may have been designed, while tending to promote his own aggrandizement, to carry into effect those larger views of social policy by which he was assuredly distinguished from all the men of his time.

Hence, to bring the present fragment of a parliament to fix on a time when its powers should cease, and when another should be convened on some well-considered principle of representation, had long been a leading object with him. In the autumn of 1648 he pressed this subject on the attention of the house, and in the spring of the following year a committee was appointed to take it into deliberation. But the battle of Worcester, nearly two years and a half later, was achieved before any thing was done, either by the committee or the parliament, on this question, except so far as to determine that future parliaments should consist of four hundred members, and that the present members should be returned in the next parliament for the places which they now represented. In November, 1651, it was decided by a bare majority that the present parliament should cease on the third of November, 1654. Cromwell with difficulty brought the house to this decision ; and his conduct in so doing was regarded as betraying distrust ; and the parliamentary leaders, in their turn, discovered a similar jealousy of the commander-in-chief, by effecting some large reductions in the army. In the summer of 1652 Cromwell interposed to prevent these retrenchments from extending further

Proceedings
with regard to
a new parliament.

than might comport with his plans ; and the house consented to stay its hand for the present*.

The crisis between that body and Cromwell was now approaching ; and to judge of the merits of the controversy between them, the exact social position of both should be considered. The house of five hundred persons assembled as the commons of England in 1640, had been greatly diminished by deaths, and the withdrawal of the royalists, when, a few weeks before the trial of the king, it was reduced to little more than fifty members by the coercion of the military. No one pretended that the selection of persons then made by the officers, or the additions afterwards made to them by the same power, was an assembly that could properly be called a parliament. It was an authority existing, not as the effect of any expression of feeling in its favour through the country, but purely as the creature of the army. In many of the departments of government it had acquitted itself with a high degree of sagacity, assiduity, and courage ; but the tenacity with which its leaders clung to the power that had been committed to them, though proceeding probably from motives in which there was as much to praise as to blame, exposed them to suspicion, and gave an extrinsic force to the complaints that were directed against the weak points of their conduct by their enemies †.

Cromwell, at the same time, and particularly since the battle of Worcester, was addressed from all quarters in language which proclaimed him a king in every thing except the name ; and his persuasion that a mixed constitution, with a monarchical power, would be

* Journals, Nov. 4, 14—27. Feb. 24, Oct. 2. 7. Dec. 19, 1651. June 5. 15. Aug. 12, 13, 1652. Whitelocke.

† Cromwell's own language to Whitelocke with respect to the conduct of the parliament should perhaps be introduced here. " Their pride," he said, " and ambition, and self-seeking, engrossing all places of honour and profit to themselves and their friends ; and their daily breaking forth into new and violent parties and factions ; their delays of business and designs to perpetuate themselves, and to continue their power in their own hands ; their meddling in private matters between party and party, contrary to the institution of parliaments, and their injustice and partiality in those matters, and the scandalous lives of some of the chief of them—these things do give too much ground for people to open their mouths against them, and to dislike them. Nor can they be kept within the bounds of justice and law or reason, *they themselves being the supreme power of the nation, liable to no account to any, nor to be controuled or regulated by any other power ; there being none superior or co-ordinate with them.*" Whitelocke admitted the general truth of this representation, but knew not where to look for the means of restraining those " extravagances, and inordinate powers," from which greater evil, he observed, would probably come than was generally apprehended.—Mem. 524. Cromwell also complained much of the disinclination of the parliament to pass the long-promised act of indemnity, and it was insinuated that the reason was, that the members could then no longer enrich themselves by forfeitures. Another complaint against them was their alleged disposition to put aside the right of trial by jury. These were popular topics, but the circumstances of the times were such as to lead the wisest and most well-meaning to entertain a difference of judgment concerning them.

the most acceptable and salutary form of government for the people of England, was not, we may suppose, less welcome, from its being thus connected with circumstances which seemed to point to himself as the only person in whom the supreme power could in such a case be vested with any appearance of propriety or safety. But when he adopted means to ascertain the judgment of the more considerable persons about him on that point, the result did not prove altogether gratifying. It was the advice of

Power of Cromwell—his views respecting the character of the government best adapted to the English people.

Whitelocke, a celebrated lawyer, after a confidential and an extended conversation on the subject, that the old constitution should be restored, with certain restrictions, and with Charles Stuart as king, his excellency retaining the second place of power in the kingdom. But on this weak proposal it was natural to remark, that Charles Stuart could not be expected to forgive the man who had been a party to the death of his father *. Other conferences took place, in which the military men generally expressed themselves as wedded to a republic, the civilians as more favourable to the restoration of a peerage, and of power in a single person—but always mentioning one of the branches of the late king's family as the person to be called to that power. Cromwell contented himself with saying, that a settlement with something of a monarchical principle in it would be much the most effectual, if it could be made to consist with a security for the liberties of the people as Englishmen and Christians †.

With the officers so little disposed to favour any change in the form of government, it is doubtful what course Cromwell would ultimately have adopted toward the parliament, had not its own conduct furnished him with much stronger reasons for proceeding to the use of violence than he had hitherto been able to adduce. During the interval from the month of September, 1652, to the following April, repeated conferences took place between the leading officers and certain members of parliament, with respect to the provisions to be made, in order that a parliament might be convened consisting of persons friendly to those liberties for which so much treasure had been expended, and so much blood had been shed ‡.

His difficulties—conferences with the officers.

But these meetings did not prevent the adoption of several clauses by a committee of the house, which the officers had strongly opposed, particularly one, which, under the designation of "Neuters," would have admitted the presbyterians. "We were bold to tell them," says Cromwell, "that none of that judgment who had deserted this cause and interest should have any power in parliaments. We had as good deliver up our cause into the hands of any, as into the hands of such as have deserted us. It is one thing to love another in matters of religion, and

Clause in favour of the Presbyterians.

* Whitelocke, 523—526.

† Ibid. 529. Milton Papers, 106—114. Parl. Hist. iii. 1387, 1388.

Milt on Papers, 106—114.

another so far to set him in the saddle as to command all his brethren." On the evening of the nineteenth of April a further conference took place with regard to this point, and some others, about twenty members of parliament being present. In the end, says Cromwell, "they told us they would take time for the consideration of those things until to-morrow, that they would sleep upon them, and consult some friends; and at parting, one of the chief, and two or three more, told us they would endeavour to suspend further proceedings about the bill for a new representative until further conference; and upon this we had great satisfaction, and they went away late at night. The next morning, while we were considering how to order that which we were further to offer to them, word was brought that the house was proceeding with all speed upon the new representative. We could not believe that such persons could act so unworthily, until a second and a third message came and informed us that the house had brought the bill near to an issue, leaving out things which had appeared all along, and passing it upon paper, without engrossing, that it might be done with the more haste." This statement Cromwell made on a public occasion afterwards, appealing to many who were present as persons who could vouch for its accuracy*.

In fact, it was the determination of the majority of the house, on the morning of the memorable twentieth of April, to pass the bill relating to the constitution of the new parliament in a form which they had privately agreed upon, and then instantly to dissolve, and both measures they hoped to see carried before the council of officers at Whitehall would become aware of their proceedings. In this manner the force of law would be given to their plans, and any attempt to frustrate them by military violence would be rendered less probable. But the colonels Harrison and Ingoldsby were in the house, and the former, despatching the latter with tidings to the general, took care himself to prolong the debate, by addressing himself in the language of mild and humble expostulation to the advocates of the measure, pointing out the impolicy of their conduct. It was difficult to say by what means Cromwell could meet this combination of stratagem and courage in his opponents†.

He suddenly left Whitehall, followed by a company of soldiers. Some persons may have conjectured, but no man knew the object of this movement. On entering the lobby of the house, his followers were told to remain at the door. Cromwell entered and took his place on one of the upper

* Ibid. Parl. Hist. iii. 1387, 1388.

† It should be observed, that the majority of the members made no secret of being opposed to any measure endangering "the continuance of the present parliament." They had been loth to fix even upon a distant day for a dissolution, aware of the imminent hazards that would follow, even under the most favourable circumstances; and now, in the eleventh hour, it was only in hope of escaping from the power of the army that they were disposed to try the vain expedient of an alliance with the more moderate presbyterians. Milton Papers, 106—114. Parl. Hist. iii. 1387, 88. Heath, 339.

benches. He wore on that day a suit of black without ornament, and grey worsted stockings*. He listened for some time to the discussion; but as the speaker was about to put the motion, he beckoned colonel Harrison to him, and said in a whisper, "Now is the time, I must do it."

He then rose, and removing his hat from his head, spoke for a short time to the question about to be decided. As he proceeded, he became impassioned, and began to indulge in violent language, charging the house with the denial of justice, with acts of oppression, with open profanity, with ^{His speech—} ^{he forces the} ^{members to} ^{depart.} intending their own aggrandizement at the cost of the public welfare; and above all, with planning at this moment to bring in the presbyterians, men whom they knew, or should know, would lose no time in destroying the cause which they had so basely deserted. All this they had done to promote their own little interests, and in heedlessness concerning the fate of men who had endured all hardships for the state, fought for it, and bled for it!

Sir Peter Wentworth here rose, and protested against this sort of address, particularly as coming from a man who was indebted to that assembly for everything which distinguished him. Cromwell, on hearing this, darted from his place to the centre of the house—and, placing his hat upon his head, exclaimed, "Come, come, sir, I will put an end to your prating!" During some moments he passed backwards and forwards, deeply agitated. He then stamped on the floor, and glancing around him, cried out—"You are no parliament! I say you are no parliament! Bring them in, bring them in!" The door immediately opened, and a colonel, with about twenty soldiers, descended to the floor of the house, others being left in the lobby and the stairs. Sir Harry Vane said, indignantly, "This is not honest; it is against morality and common honesty." Cromwell instantly retorted—"Sir Harry Vane! Oh, sir Harry Vane! The Lord deliver me from sir Harry Vane! He might have prevented this; but he is a juggler, and has not common honesty himself." Pointing to one member, he cried, "There is a drunkard;" to two others, "There are whoremasters;" and passing his eye from one to another, poured forth his censures in torrents. Turning to the guard, he commanded them to clear the house. Harrison laid his hands on the speaker, and forced him from the chair. Algernon Sidney, who sat next, was thrust from his place, and the members generally, about eighty in number, rose, on being pressed by the military, and moved toward the door. As Cromwell saw their backs turned, the possible consequences of this violence appear to have flashed upon him. "It is you," he added, "that have forced me to do this. I have sought the Lord day and night, that he would rather slay me than put me on the doing of this work." To alderman Allen this language seemed like that of a half repentance; and he ventured to say that it

* Leicester's Journal, 139.

was not too late even yet to retrace his steps. But the general, as though startled by the comment which seemed to be put upon his words, charged the alderman, in the same breath, with dishonesty in his office as treasurer of the army, and gave him to the keeping of the guard. When the members had disappeared, he looked upon the mace, and asked, "What shall we do with this fool's bauble?" He then ordered it to be removed; commanded the doors to be locked; and, with the keys in his possession, returned to Whitehall*.

In the afternoon of the same day he proceeded to the apartment where the council of state had been accustomed to assemble, attended by Lambert and Harrison. Most of the members were present. Bradshaw, the lawyer who presided at the king's trial, and whose republicanism was of the old Roman temperament, occupied the chair. Cromwell, on entering, said, that if they were assembled as private persons, it was not his intention to disturb them; but if sitting as the council of state, he must remind them that their existence in that capacity had terminated with the parliament—a body which, as they could not but know, had been dissolved some hours since. Bradshaw was as little accessible to fear as Cromwell, and rising at the conclusion of this speech, he replied—"Sir, we have heard what you did at the house this morning, and before many hours all England will know it. But, sir, you are mistaken to think the parliament is dissolved. No power under heaven can dissolve them but themselves: therefore, take you notice of that." We do not learn that any reply was given to this dignified reproach.

The mind of Cromwell was not of a character to see any intrinsic value in the trappings of royalty, or in that kind of precedence assigned to man before man, which is more the result of accident than of personal merit; and there were occasions on which he could speak of such things as of little significance, except in the view of small minds. But he knew that the influence of such distinctions and pageantries on the imagination and the sympathies of the English people was much too considerable to be slighted with impunity—so much so, that without a mixed form of government, by which something of this civic parade and ceremony might be consistently restored, the country must long continue a scene of extended suffering and frequent convulsion. The democracy of the army and the parliament, he knew, was not sustained by the feelings of the community, and greatly needed the controul of other elements of power. He was, also, we may believe, no less persuaded, that in recalling the exiled family, there would be a much greater prospect of hazard than advantage, both to leading men, and to the nation. Nor was he less satisfied that it would be in vain to hope that the present parliament, or the more presbyterian body pro-

His conduct considered.

* Whitelocke, 529. Ludlow, ii. 18—21. Burton's Diary, iii. 56. 98, 99. 209. Parl. Hist. iii. 1381, 1382. 1386. Perfect Politician, 168, 169. Leicester's Journal, 140.

vided to succeed it, would be found sufficiently unprejudiced and united to bring about such a settlement as was demanded by the character of the community when viewed at large:—and least of all were they likely to agree in placing himself in that position, in which he felt some one person should be placed, and to which he supposed (and who can be surprised at his indulging such a thought?) that no living man had a claim preferable to his own. It was neither the delays, therefore, nor the imperfections in the domestic policy of the “statesmen” at Westminster, though so much dwelt upon by Cromwell, that constituted their great fault in his view, but the fact that they were not a body of men to retrace their steps in the manner now described; and rather than trust to them, or to the still less manageable body about to succeed them, he seized the reins of the state into his own hands. No sober man will doubt that he intended to guide them for the good of the community, and with a more equal and comprehensive regard to its interests than could be expected from any other quarter. Nor can it well be doubted that he looked forward to an establishment of the supremacy of the law, in the place of the power of the sword. But the point of most weight in connexion with the judgment to be formed with respect to the conduct of Cromwell at this crisis, is one that must always remain in a great degree uncertain, viz.,—the extent in which his regard for the public good was alloyed by admixtures of personal ambition. It is true, that concluding the end proposed by him to have been the most generous and patriotic that could have been entertained, the question still remains—Was he justified in resorting to such measures, even for such an object? With regard to this question, however, we will only say, that there are so many points of moment relating to it to be considered, that the man who betrays a disposition to dismiss it in a very summary manner, as one of small moral difficulty, needs not give any further proof of his own incompetency to decide upon it either wisely or justly*.

* In forming our judgment of the conduct and character of Cromwell, it should be remembered that history has hardly another man of whom so much has been written, and so small a portion of it by a friendly hand. The royalists, the presbyterians, and the republicans, had only one passion stronger than their hatred of each other, and that was their hatred of Cromwell. Yet to authors belonging to one or the other of these parties are we indebted for nearly all we know concerning Cromwell; nor even to our own time has any writer been found possessing the information and the fearless impartiality requisite to subject the testimony of these passionate, and often most unprincipled witnesses, to fair scrutiny and abatement. The nearest approach to this has been made in an article on the life of Cromwell, in the twenty-fifth volume of the *Quarterly Review*, attributed to Dr. Southey—a singular quarter, it may be thought, in which to find remarkable candour on such a subject. We shall cite a passage or two, by way of protection. “His good sense and good nature would have led him to govern equitably, and mercifully, to promote literature, to cherish the arts, and to pour wine and oil into the wounds of the nation. When he shed blood, it was never for the appetite of blood; such actions were committed by him against a good nature, not in indulgence of a depraved one.—He would have governed constitutionally, mildly, mercifully, liberally, if he could have followed the impulses of his own heart, and the wishes of his better mind: self-preservation compelled him to a severe and suspicious system; and because he was an usurper, he became, of necessity, a despot.”

PROTECTORATE.

CHAPTER I.

Cromwell convenes the Little Parliament—Its character and proceedings—Hostility called forth by its Measures—Its Dissolution—Cromwell Lord Protector—The Instrument of Government—Cromwell's second Parliament—Its proceedings unfriendly to him—It is dissolved—Unsettled state of the Country—Conspiracies of the Republicans and Royalists—Third Parliament—Members excluded by the Council—Cromwell urged to assume the title of King—It is opposed by the Council of Officers—Hesitation of Cromwell—Conference respecting it—Cromwell inclines to accept, but finally rejects the title—Upper House restored—Introduction of the excluded Members to the House of Commons—Hostility of the Commons to the Upper House and the Protector—Cromwell dissolves the Parliament—Conduct of Cromwell in these proceedings toward the great Parties of the age considered—Character of Cromwell's Government—Institution of Major-Generals—Legislative Power of the Protector and Council questioned—Difficult situation of Cromwell—Transactions with Foreign Powers—United Provinces—Portugal, execution of Pantaleon—France and Spain, their relative position—Richelieu and Mazarine—Project to assassinate Cromwell—His Treaty with France—His peremptory Language to the French Government—Complimentary Deputation to Louis—Siege and Victory of Dunkirk—Keys of Dunkirk presented to the Protector—Decline of the Spanish Power in the Netherlands.

CROMWELL knew his countrymen too well not to be aware that his ascendancy would be of no long continuance, unless sanctioned by the appearance of a parliamentary authority. Cromwell convenes the "Little Parliament." But to have assembled a parliament in the manner required by the ancient constitution, or according to any one of the schemes recently proposed, would have been to bring the several parties in the country into such immediate conflict as must have rendered it impossible to say what shape affairs would ere long assume. Cromwell must have seen his own destruction as not among the least probable consequences of such a measure. The course adopted is not to be understood without bearing in mind the religious character of the army. This course was, to form a deliberative assembly, which should consist of about a hundred and fifty persons, who were to be chosen by Cromwell and his council, from an extended list of names, procured for the purpose from the different religious communities, or churches, throughout the country, chiefly of the independent or baptist denominations.

On the fourth of July one hundred and twenty of the persons thus chosen assembled. Cromwell vested them with the supreme power, which they were to exercise during fifteen months. At the expiration of that term they were to resign their place to others; but their suc-

cessors were to be chosen by themselves. The instrument which convened these persons was signed and sealed by the general and the officers, who promised obedience to the new power which they had themselves created. The parties constituting this "Little Parliament," as it was called, came from different parts of the three kingdoms, "as near as might be, proportionable to their payments towards the public charge." Cromwell assured them, in his speech, that very many papers had been received from the churches of God throughout the nation, highly approving of what had been done, and concluded by saying, "I beseech you, have a care of the whole flock; and if the poorest Christian, the most mistaken Christian, should desire to live peaceably under you, let him be protected*."

When the new legislature assembled, its first proceeding was to implore the Divine influence upon its deliberations; which was done without the assistance of a chaplain, some of the members, who had been accustomed to such exercises, being called upon to lead the devotions of their colleagues, by presenting a series of extempore addresses to the Deity. In this manner the business of the house commenced from day to day. Such conduct may be thought to corroborate the assertion that this parliament was composed almost entirely of the most illiterate fanatics. But to deduce such an inference from that circumstance would be to betray a very imperfect acquaintance with the state of society then existing in England. Whitelocke, speaking of that assembly, observes:—"It was much wondered at by some, that these gentlemen, many of them being persons of fortune and knowledge, would take upon them the supreme authority of the nation at this summons, and from those hands." But the "many persons of fortune and knowledge" adverted to, no doubt saw that their refusing to act when thus called upon, would not facilitate the convening of a more constitutional or desirable body of persons; and that in times when the spirit of revolution or of faction is at work, the man must abandon all hope of serving his country, who will only attempt it in such a manner, and in such connexions as may be altogether agreeable to him†.

* Parl. Hist. iii. 1390—1486.

† Whitelocke, 532, 534. Exact Relation, 19. It was in this parliament that a leather-seller, named, in the quaint fashion of the age, Praise-God Barebone, had a place, from whom it acquired the designation of Barebone's parliament. But on looking to the list of members (Parl. Hist. iii. 1407—1409.) who sat in this parliament, it will appear that there is not another quaint name among them—that our present house of peers could hardly furnish a less puritanical nomenclature. That the puritans often gave scriptural and ideal names to their children, not agreeable to our notions of good taste, is certain; but no man, whose hatred to that people has not become a most blinding passion, will believe that the following names occurred on a single jury:—"Accepted Trevor. Redeemed Compton. Faint-not Hewit. Make-peace Heaton. Good-reward Smart. Stand-fast-on-high Stringer. Earth Adams. Called Lower. Kill-sin Pimple. Return Spelman. Be-faithful Joiner. Fly-debate Roberts. Fight-the-good-fight-of-faith White. More-fruit Fowler. Hope-

There was, in fact, considerable wisdom, and a large amount of public virtue in Cromwell's first parliament. Their great error consisted in placing a degree of confidence in the integrity of the power from which they had received their appointment, to which it was not entitled. The objects to which they applied themselves were those great public reforms which had been so much insisted on in the petitions of the army party for some years past. Among these objects the most prominent related to some new arrangement with regard to tithes, and to church property generally; and to some material reforms with respect to the law and its administration. On the former subject it was voted, that the right of advowsons should cease, and that every parish should choose its own minister; and on the question of tithes, though the report of a committee described them as the "legal property" of their possessors, the house decided against that clause of the report by a majority of fifty-six to fifty-four. In the department of the law, nothing less than a new code was contemplated, which, in a single volume, was to be of more utility to the commonwealth than the existing libraries of statutes and precedents; and the court of chancery, the abuses of which seem to have been of the most extended and iniquitous description, was declared to be an evil that should be forthwith abolished.

By these proceedings the little parliament arrayed against itself that large portion of the aristocracy and the wealthy who were interested in the church property; and nearly the whole of the two classes of the community whose hostility the most established government would not have provoked without danger—the clergy and the lawyers; and when its proposals to reform the church and the law were followed by others which tended to a reduction of the army, it exposed itself to opposition in the only quarter from which it could hope to derive support. And these bold measures seem to have been carried on with a determination which made even the interference of Cromwell without effect. The general charge against

Hostility
called forth by
its measures.

for Bending. Graceful Harding. Weep-not Billing. Meek Brewer." This list first made its appearance in 1707, in a book of Travels over England, then published by the Rev. James Brome, and like many other good stories, is so good, that those writers who have found most pleasure in telling it have been the least disposed to inquire about its truth. But it happens that the person who furnished Brome with this list of Christian names on one jury, furnished him with the following list of proper names upon another:—"King, Prince, Duke, Marquis, Earl, Baron, Pope, Cardinal, Bishop, Lord, Knight, Abbot, Dean, Archdeacon, Esquire, Friar, Monk, Gentleman, Priest, Deacon, Yeoman." It will, perhaps, be thought that our reverend traveller might have employed his time better than in collecting inventions of this description, nearly a hundred years after the things are said to have happened. Brome's Travels, 56. 279. With respect to Barebone, it is added, that he had two brothers, the first of whom was called *Christ-came-into-the-world-to-save* Barebone; and the second, *If-Christ-had-not-died-thou-hadst-been-damned* Barebone, which last was abbreviated in common speech into *Damned* Barebone. But this account, which savours much more of the profanity of the cavalier than of the extravagance of the puritan, is first given by Granger (Biographical History of England) from hearsay, and the authority of that writer is something of the latest on such a matter.

this parliament was, that it meditated nothing less than an overthrow of the church, together with the destruction of the rights of property, and of the liberties of Englishmen. In these calumnies, put into circulation by interested men, Cromwell, and those who acted with him, were base enough to join. In vain did the reforming members endeavour to assist the recollection of their opponents by reminding them that the vote against tithes was always meant to be accompanied by another in favour of an equivalent; and that the object avowed in the proposed reform of the law was to simplify and secure the rights of property, and not to impair them: the cry continued—to touch the matter of tithes was to endanger the existence of religion; and the pretended improvements in the law could only serve to loosen all the foundations of property, and to bring in a Jewish bondage in the place of English liberty.

These accusations—just such as the wisest dealing with these questions has generally called forth from selfish men—were echoed in the house by the partisans of Cromwell, who, ^{Its dissolution.} though a minority only, prevailed on the speaker to accompany them, and to restore the mace, as the instrument by means of which they had been vested with their power, back to the hands of the lord general. Cromwell denied being acquainted with this proceeding until it was over. But he was at least a party to it after the fact, as the members who remained after the speaker had withdrawn were disturbed in their deliberations by a party of soldiers, and obliged to leave, a proceeding that could hardly have taken place without the knowledge Dec. 12. of the lord general. Harrison, who had been an efficient instrument in the hands of Cromwell in most of his proceedings, now became hostile to him; but a paper in which the seceding members of the parliament signified the surrender of their power to him, received, as the effect of much influence exerted for the purpose, about eighty signatures; nor did the proceeding, heartily welcome in many quarters, call forth any material expression of dissatisfaction anywhere*.

Only four days after the dissolution of this parliament, Cromwell was installed, with much ceremony, in Westminster Hall, as lord-protector of the commonwealth of England, Scotland, and Ireland, and of the dominions thereto belonging; and a paper, intitled an Instrument of Government, was read to him, which he swore to observe. This paper pro-

Cromwell
lord-protector,
—the instru-
ment of go-
vernment.

* Journals, *ubi supra*. Goddard's Diary, 1—14. Exact Relation of the Proceedings of the Parliament which began July 4, 1653. Old Parl. Hist. xx. 184, *et seq.* New Parl. Hist. iii. 1406, *et seq.*; 1434, *et seq.* Baxter, whose prejudice against sectaries naturally tinged all his notices of Cromwell, says, with much appearance of truth, of his conduct toward this parliament, that it "made him loathed by men of understanding and sincerity." Life, Lib. i. Part i. p. 70. Baxter's account, however, of the proceedings of the parliament, elected, as he says, by the "sectarians through the country," is incorrect in several material points; nor is it true, as stated by him, and some other writers, that Cromwell put the members upon those obnoxious measures which hastened their fall.

vided that the supreme legislative authority should be vested in the protector and a parliament; the latter to be called every three years, upon a plan the same in effect with that set forth in the triennial bill, and all persons possessing real or personal property to the value of two hundred pounds were entitled to vote at elections—catholics, and those who had borne arms against the parliament since 1641, excepted. It provided further, that the name of the protector should be used in all processes of law and government, in the manner in which the name of the king had been heretofore used; that he should be the fountain of all honour and magistracy; and that, until the meeting of a new parliament, he should have power to raise money for the public defence, and to publish such ordinances as might be deemed necessary to the safety and welfare of the nation. But it was also declared in this document that all bills passed by the parliament should become laws at the expiration of twenty days, with or without the consent of the protector; that the office of that person should be elective on his decease—the right of election being vested in the members of the council; that the protector should not have the power of war and peace, nor the command of the forces, without the concurrence of his council and of parliament; that the members of the council, who might not be fewer than thirteen, nor more than twenty, should be removed for misconduct only, and not without a vote to that effect by a joint committee from the council and the parliament; that the appointment of the great officers of state should be with the parliament; and that in case of war, the representatives of the nation should be immediately assembled. The paper further recommended that some less exceptionable provision should be made for the maintenance of the clergy, in the place of tithes; and contained, of course, the usual clause on liberty of conscience*.

The parliament chosen according to this instrument consisted of four hundred members, in which number was a considerable body of presbyterians, and some active republicans. These parties, though much at issue with each other, were soon found to be united in their opposition to the new power, which now became known under the revived name of the court. Several articles of the instrument by virtue of which they had been convened were made the subject of debate, and one motion affecting the authority of the protector was lost. At this point Cromwell interfered. He reminded the house, that while the minor articles of that paper might be left open to discussion and modification, there were four of its provisions which must be regarded as unalterable. These provisions were, that the government should be by a single person, in distinction from a commonwealth; that this person should possess the command of the militia, with the concurrence of the parliament when

Second parlia-
ment,—its
proceedings
hostile to
Cromwell.
Sept. 3.

* Parl. Hist. iii. 1419—1426.

sitting; that no parliament should be perpetual; and that liberty of conscience should be granted to all men conducting themselves as peaceable subjects of the state. This communication was made in the painted chamber; and when the members returned to the house, a guard was found at the door, who required their signatures to a paper binding them to silence on the above articles. One-fourth of the members declined resuming their seats upon such terms.

But though many of the rigid republicans withdrew, the presbyterians remained; and a majority of the three hundred who continued to assemble proved to be the enemies of Cromwell. It was voted, indeed, that the government should be by a single person and a parliament, and that Cromwell should be that person. It was also required that all members, before taking their seats should sign an approval of the four fundamental articles of the instrument of government. But having thus seemed to do of their own authority, what had been forced upon them by the authority of another, they began a debate which embraced an examination of all the remaining articles in the new scheme of government. They voted the protectorate elective, by a majority of two hundred against sixty. They not only declared against all power in the protector and his council to issue ordinances during the intervals between the sessions of parliament, but suspended several which had been recently published agreeably to the authority which the instrument had given to the chief magistrate for that period; and they so far limited the negative voice of the protector on all bills affecting the four fundamental propositions of the new constitution, as to make it evident that their object was to enfeeble the functionary at the head of the government, so as to place themselves in a position to depose him with safety whenever the convenient season should arrive.

In this manner did the opposition majority occupy the attention of the house from September to January. During all this time nothing effectual was done toward aiding the revenue, though reminded often by the government that the last assessment was exhausted, and that on them the functionaries of the state now wholly rested for the necessary supplies. The effect of these long debates on the instrument which had been prepared by the council of officers, and which Cromwell had sworn to observe, was, that its forty-two articles were increased to sixty. In this shape it was intitled "the Act of Settlement," and was so moulded with regard to the power of the parliament in the matter of supplies, as to enable that body to perpetuate its sittings to any extent, consistent with a re-election at the close of every three years; and by concentrating in itself, without interruption, nearly the whole power of the state, it might render the single person nominally at its head so insignificant, as to become the object of general contempt. As though aware of the palpable nature of the conspiracy which had been thus formed against the power of the protector, it was carried, and by one hundred and seven

against ninety-five, that this bill should become law without being presented to him for his approval. But the authors of this blow against the power of the protector, either from shame or fear, soon repented of what they had done, and rescinded their vote on the following day. Nor was this the only instance in which their rashness exposed them to the mortification of retracing their steps.

It is not difficult to conceive the feeling with which their tedious and unfriendly proceedings were regarded by the bold and ardent spirit of Cromwell. Nearly five months had passed since this parliament assembled, and not a single bill had it presented to him for his assent—as though it had been determined that the semblance of a superior and recognised power which such a process might carry with it, should not be permitted until the one act had passed which was to reduce that power to an idle pageant. Indeed, the protector was not favoured with the slightest communication from the house through the whole of that period. Since the dissolution of the last parliament, the government had conducted its foreign affairs with vigour and success, and its domestic administration had been characterised by assiduity and mildness; but to this time the present parliament had refused it the power to raise the smallest sum toward defraying the public expense; and the discussions which had taken place on that subject had only tended to show that the opposition party had resolved to vote their money bills, when the absolute necessity for doing so should arrive, by little and little, so as to perpetuate the necessity of their own sitting.

What Cromwell had predicted as the consequence of opening the national representation to the presbyterians when he dissolved the long parliament now happened. The majority of the present members were of that persuasion; and had they known how to conduct such an enterprise with success, would have made it evident that they were much more disposed to recall Charles Stuart, than to become good subjects even of the most modified commonwealth. Wearied by these delays, and regarding these signs of disaffection as an ungenerous return for the confidence which he had exercised, Cromwell summoned the parliament before him on the earliest day that the letter of the instrument would allow; and, in a long speech, adverted to most of the particulars in their conduct, of which mention has been made, expressing his regret especially that so favourable an opportunity to establish a government equally removed from “the extremes of monarchy on the one hand, and of democracy on the other,” had not been more wisely improved. He then concluded with saying, “I think it my duty to tell you, that it is not for the profit of these nations for you to continue here any longer; and therefore declare that I do dissolve this parliament*.”

* Goddard's Diary, pp. 19—114. Parl. Hist. iii. 1428—1460. Journals. Ludlow, ii. 54—59. 64—67. Whitelocke, 582—599, *passim*.

Cromwell added on that occasion, that after he had stated to the house what parts of the instrument were open to discussion, and what were to be considered as unalterable, it did not, as he conceived, belong to him to interfere with their debates, ^{Unsettled state of the country.} protracted as they were; but while they were occupied with disputes respecting the abstract principles of government, he had been employed in detecting the conspiracies of the royalists and the levelers throughout the country; and these, he could demonstrate, had become so extended and formidable through the supineness of the proper guardians of the people, as to menace, not only those nice matters of difference about which they had been so long disputing, but the very existence of a popular government.

Nor was there any exaggeration in this statement. The feeling of discontent at the time of the dissolution of this parliament was more violent than had been exhibited since the death of the king; and all parties looked to the expected fall of the usurper for the accomplishment of their particular objects. In the mean time, Cromwell was not ignorant of the strange combinations that were formed against him—the anabaptist being courted by the presbyterian, and the commonwealth's man having become the ally of the cavalier, in their solicitude to effect the overthrow of the one man whom they regarded as their common enemy. Nothing less formidable than that veteran army, the great body of which Cromwell still retained in undoubted allegiance to him, and the direction of it by his own promptitude and energy, could have saved his government from being overpowered at this juncture. But his resources proved sufficient to baffle the combined enmities of his opponents.

The conspiracies now afoot, extended from Scotland through the greater part of England, but were crushed in nearly all places before they could break forth into action. Colonel ^{Conspiracy of the republicans.} Overton persuaded himself that three thousand of the army in Scotland would be found ready to join him in seizing the person of Monk, and marching into England; and Harrison, Carew, Okey, Alured, Lawson, and Hacker, are mentioned as officers who attended meetings for similar objects in England, and with them the names of Henry Martin, Haselrig, and Lord Grey of Groby are associated. Cromwell, apprised of the proceedings of these persons, caused them to be seized at the fitting season; and the men, deprived of their leaders, remained quiet*.

Overton was in communication with Charles the Second; and the leading royalists, both on the continent and in England, ^{Of the royalists.} were looking forward to the month of March in this year for a general rising, particularly in Yorkshire, Shropshire, Nottinghamshire, Devon, and Wilts. Lord Wilmot, now earl of Ro-

* Whitlocke, 600—602. Thurloe's State Papers, iii. 35. 46. 55. 75. 147. 185. 197. 217. 280; iii. 147, 148. Ludlow, ii. 479, 74.

chester, came over to England in disguise; and the king, in company with Ormond, removed from Paris to Middleburg, in Holland, that he might be in readiness to embark for Hull, should his affairs assume a promising aspect. But Rochester, after a feeble attempt in Yorkshire, made his escape to Holland. His colleague, sir Joseph Wagstaff, marched into Salisbury with not more than two hundred men, during the assizes, seized the two judges in their beds, and bringing them into the market-place, gave orders that they should be immediately hanged. His followers were shocked by the insane barbarity of their leader, and obliged him to allow the prisoners to return to their lodgings. Wagstaff was defeated at South Molton. None of the republican conspirators were brought to trial. Of the insurgent royalists, a few were executed; but the inferior offenders were sent to the plantations, or suffered mitigated penalties*.

The ability and success with which these conspiracies were traced and counteracted, gave an apparent stability to the government of the protector at the moment when its fall had been widely and confidently expected. The parliament at its dissolution had not voted him the smallest supply, nor even empowered him to collect the ordinary revenue. Cromwell turned, of necessity, to the power in that respect which the instrument of government had given to him, and proceeded to levy assessments, and to collect the revenue, with the assistance of his council. His demands, contrary to what was given out by his enemies, proved to be moderate, and were generally complied with; but cases of resistance occurred, and these dangerous examples were not suppressed without resorting to acts of intimidation and violence, which, should they become frequent, could not fail, ere long, of proving fatal to his power†. Having made it evident during a period of eighteen months that he could sustain the whole power of the government, and raise the necessary supplies, without the assistance of parliament, the protector appears to have concluded that the time had come in which it would be prudent and safe to convene another assembly under that name.

But as the elections proceeded, it became manifest that the feeling of disaffection to the existing government had rather increased than diminished since the last appeal of this sort had been made to the people. Every expedient was tried to influence these local contests in favour of the ruling power. The clauses of the instrument which precluded so large a number of the discontented from appearing either as candidates or electors, were strictly enforced; the more violent republicans were many of them put under restraint, particularly Vane and Ludlow; and military parade and authority were obtruded in many of the districts where the elec-

Third parliament assembled.
Sept. 17, 1656.

* Whitelocke, iii. 182. 207. 220—222. 304. Ludlow, ii. 67—72. State Trials, v. 767—791. Hutchinson, ii. 212. Whitelocke, 599.
† Goddard, 156—159. Ludlow, ii. 80—82.

tions were conducted. But these precautions failed, in a majority of instances, to secure the object intended by them*.

It was determined, however, that a severe scrutiny should be instituted with regard to the successful candidates. Care was ^{Members re-} taken to obtain the best information respecting these men ; ^{jected by the} and nearly a hundred—a fourth of the number elected— ^{council.} were declared by the protector and his council to be ineligible on account of their political or their moral disqualifications. In his speech to the body which remained, Cromwell reminded them of the war in which the country was engaged with Spain, and of the enmity which that power had so long manifested against everything protestant and English. He spoke of Charles Stuart as soliciting aid in every direction in the hope of being able once more to raise his standard in the land ; and described the partisans of the exiled pretender, including cavaliers and papists, as joined with levellers and fifth-monarchy men, in a common league of hostility against every existing authority †.

The first question that engaged the attention of the house, was one of no little delicacy and importance ; it related to the authority of the council to judge with respect to the qualifications of members of parliament. It was not difficult to show that this power was derived from a provision for the purpose in the instrument of government ; and upon a division which took place with regard to the propriety of what had been done on that authority, it became certain that at present the court could command a majority. The debate, however, on this subject was conducted with much warmth ; and the passions of several of the more dissatisfied members betrayed them into the weakness of publicly withdrawing from their colleagues. There was also a remonstrance published by the parties excluded, in which they spoke with fearlessness and indignation of the course that had been pursued toward them. Cromwell allowed it to pass unnoticed ‡.

The earlier proceedings of this assembly were highly favourable to the objects which the protector in his speech had submitted to its consideration. Provisions were made for the greater safety of the person of the chief magistrate ; the war with Spain was to be prosecuted ; the family of Stuart was solemnly renounced ; and the sum of four hundred thousand pounds was voted for the use of the government. But some months passed, and the house was still in debate with respect to the sources from which the sum voted should be raised.

In the mean time, a question which had long occupied the

* *Ibid.* ii. 114—123. Ludlow's account of the proceedings of the government at this juncture is so passionate as to require that it should be received with caution. This writer, who had been a party to the coercion of the civil power by the sword, as performed by colonel Pride, has no forbearance toward those who subsequently followed his example.

† *Parl. Hist.* iii. 1434—1459. Ludlow, ii. 124. Thurloe, v. 269. 317, *et seq.*

‡ Whitelocke, 640—643. *Parl. Hist.* iii. 1484—1487.

thoughts of Cromwell, became a matter of discussion in that assembly, and a subject of deep and various interest with the several parties throughout the nation. This question had respect to the restoration of monarchy in the person of the protector, and also of the "other house" of parliament. It happened that a plot against the life of Cromwell was at this time detected; and one member recommended that the house should present an address to his highness, expressing its solicitude for his safety, and gratitude for his preservation. This speaker was followed by another, who said, "That which the gentleman has moved will do very well for your direction as to the first part of your speech; but I would have something else added, which, in my opinion, would tend very much to the preservation of his highness and us, and to the quieting of all the designs of our enemies,—it is, that his highness would be pleased to take upon him the government according to the ancient constitution, so that the hopes of our enemies' plots would be at an end. Both our liberties and peace, and the preservation and privilege of his highness, would be founded on an old and sure foundation." The last speaker was Mr. Ash, who is described as a "grave and well-experienced person." After a short, but passionate dispute, it was concluded, that the matter should "be seriously debated, and a day appointed *."

Whitelocke, who, with most of the lawyers, was favourable to the proposed change, shrunk, with his usual timidity, from the responsibility of introducing a motion on the subject. Sir Christopher Pack, not long since mayor of London, was less scrupulous; but he had no sooner risen to propose reading a paper, described as tending to the settlement of the country, than several of the military officers, suspecting the purport of the document, forced him from his place near the speaker down to the bar of the house. His friends rose in his defence, and, notwithstanding the violent conduct of his opponents, the paper was read. It was intitled "A Humble Address and Remonstrance of the knights, burgesses, and citizens assembled in Parliament;"—it denounced the military government, which, by the aid of its delegated chiefs under the name of major-generals, had extended its oppressions to every part of the country; and strongly urged that the protector should assume a higher title, and become the head of a government, to be managed with the advice of two houses of parliament, according to ancient precedent. After much opposition from the officers generally, and from some leading persons besides, the substance of this paper was adopted. In its ultimate shape it was designated "the humble petition and advice †."

While these discussions were going on, Cromwell remained silent.

* Burton's Diary, i. 362—366.

† Whitelocke, 665, 666. Thurloe, v. 74. 78. Burton, iii. 160. Ludlow, ii. 128. Parl. Hist. iii. 1490, 1491.

But he could not be ignorant that the favour with which he was supposed to regard the projected change had excited strong displeasure in the bosoms of some of his best friends and nearest relations. Among the chief malcontents were Desborough, who had married his sister; Fleetwood, who was the husband of his daughter; and general Lambert, whose military talents, inferior only to those of Cromwell, had been hitherto employed vigorously in his service, though not without the expectation, it is thought, of succeeding himself to the protectorate. In a council of the officers, the proposed return to the old constitution was condemned in the strongest terms, and a deputation, consisting of a hundred, presented themselves to Cromwell, for the purpose of expressing their fixed disapprobation of such a proceeding.

It is opposed
by the council
of officers.

The protector reminded the body before him that, when they presented the instrument of government to him, not long since, they also presented him with the title of king. That title was a small matter, for which he felt no real concern then, and as little now; but while his own mind was the same, it was evident the minds of others had changed. What had produced this change he should not pretend to understand. He complained that his life had been that of a drudge to the army, calling parliaments, and dissolving them after its fashion, and at its bidding. In conclusion, he remarked, "It is time to come to a settlement, and to lay aside arbitrary proceedings so unacceptable to the nation. By the proceedings of this parliament, you see they stand in need of a check or balancing power. By their judicial power, they fall upon life and member, and doth the instrument enable me to control it?" The republican violence of some of the officers was "quieted" by this speech, and it was afterwards found that many of them had "fallen from the rest*."

That Cromwell regarded the assumption of the new title as likely to conduce to the tranquillity and prosperity of the country, provided the army party, on which he still almost entirely depended, could be brought to approve of the measure, is not to be doubted. But it was the fashion of the age to judge of great public principles by the course of affairs relating to them. It was not until brought to the scaffold, that Charles the First could persuade himself that the enemies of a cause so sacred as that of royalty would be allowed to prevail against him; and had these men, on whom Cromwell depended most for support, been something like unanimous in recommending his taking the title of king, he would have spoken of that course as one toward which the finger of Providence manifestly pointed. But the disunion of his adherents created perplexity, and, as in many similar instances, led him to discourse about a question of principle and conscience, while in fact the matter before him was nothing more

Hesitation of
Cromwell.

* Burton, i. 382—385. Thurloe, 93, 94, 101.

than a question of circumstances and policy. In his reply, accordingly, to those who had tendered him this distinction, while he did not hesitate to express his entire approval of the new, or rather of the old constitution, he declared that "he did not find it in his duty to God and the country" to accept the charge of the government under the new title.

The parliament professed to be dissatisfied with this answer; and a committee was appointed to confer with his highness upon the subject. On meeting the committee, Cromwell said he wished its members to say whether, supposing the office of protector and sovereign to be in effect the same, it was really desirable to offend the prejudices of many worthy persons for a mere name. He also wished to know in what manner they would show that the introduction of such a title would not be a defection from the cause to which they were pledged, and which God had so signally owned. The Scriptures, indeed, were in favour of a government by "kingship," but it was not less certain that God had of late made his hand visible against it. The answers returned to these questions were such as Cromwell himself would have given had he been at liberty to express his sincere judgment concerning them. It was admitted that in his case the title of king would be little more than a name, but it would be, when possessed by him, as it had always been in English history, a name of great import and authority, tending to balance and harmonise the mixed elements of government which characterised the old constitution. With regard to defection from the cause in which the people of England had embarked, that people had not taken arms against royalty, but against certain abuses connected with it; and had it been otherwise, there was as much defection in appointing a single person at all, as in giving that person his proper name.

The substance of this conference was published; and Cromwell employed himself during some weeks in endeavouring to ascertain the real state of opinion on the point, particularly in those quarters to which he was obliged to look for his principal support. It appeared that the cause of the old constitution lost nothing in the country generally by the discussions which were thus excited respecting it; and it was at length pretty generally understood that the protector had decided on assuming the much-disputed name. But the most formidable republicans in the council of officers were not to be moved by argument or entreaty. The current, indeed, which was setting in towards monarchy, only served to give more ardour to their opposition, and Fleetwood, Desborough, and Lambert, waited on Cromwell, to assure him that, should he comply with the overture that had been made to him, their own names must be among those of the officers who would instantly withdraw from any participation in his proceedings. Cromwell now began to hesitate anew; a more resolute opposition was manifested in

Cromwell inclines to accept,—but finally rejects the title.

the house, and after nearly two months had been occupied with this agitating question, the protector sent for the parliament to Whitehall, and delivered his final negative to the proposal*.

The royalists dreaded nothing so much as his coming to an opposite decision; and that band of military bashaws under the name of republicans, whom he suffered to draw him from his own better judgment on this matter, were ere long to have their reward†. This settlement of the question was followed by Cromwell's second inauguration as lord protector,—a ceremony which vied with the splendour of a coronation; nor was his establishment much inferior in magnificence to those which had distinguished the palaces of England when occupied by her princes.

But though the name of protector was not to become lost in that of king, it was a part of the new plan of government now

adopted, that the upper house should be in some sort re-
stored. According to this new instrument, the office of
protector was not to be hereditary, but the individual pos-
sessing it was empowered to name his successor. The representatives
of the people were declared to have the sole power of judging with re-
spect to disputed elections; the persons qualified to sit in the "other
house," as it was called, were restricted to those nominated by the chief
magistrate, and approved by the two houses. The jurisdiction of the
upper house was carefully limited, and the usage of voting by proxy
was abolished. The provisions made with respect to the appointment
of the great officers of state, and liberty of conscience, were in substance
the same with those of the former instrument†.

When the two houses met, the ceremony observed bore a near resemblance to the regal custom. Cromwell took his place beneath a superb canopy in the upper house, and received the two houses together

* Burton, i. 397—416. Goddard, 148—192. *Mercurius Politicus*, No. 335. *Parl. Hist.* iii. 1491—1502.

† "It was confidently believed that upon some addresses he had formerly made to some principal noblemen of the kingdom, and some friendly expostulations he had by himself, or through some friend with them, why they would have no acquaintance with him, the answer from them severally was, that if he would make himself king, they should easily know what they had to do, but they knew nothing of the obedience they were to pay to a protector, and that these returns first disposed him to that ambition. They who at that time exercised their thoughts with most sagacity, looked upon that refusal of his as an immediate act of Almighty God towards the king's restoration; and many of the soberest men in the nation confessed, after the king's return, that their dejected spirits were wonderfully raised by that infatuation of his." *Clarendon*, vii. 201. 204. At this juncture, the well-known tract was published, intitled, "Killing no Murder." It was claimed after the Restoration by colonel Silas Titus, a presbyterian royalist, but appears to have been the work of colonel Sexby. The purport of the tract is to stimulate the disaffected to the murder of Cromwell, setting forth that act as the greatest benefit that any man could possibly render to his country. It is a production characterised by great force of irony and much determination. *Thurloe*, vi. 560. This Sexby had set on foot a plot by which one Sindercombe was to have assassinated Cromwell some time before. The project cost Sindercombe his life,—the only common wealth-man who suffered capitally under Cromwell.

† *Parl. Hist.* iii. 1502—1511.

as "lords, and gentlemen of the house of commons." Having spoken with more brevity than was his custom on such occasions, he called upon the lord-keeper to address them. Sixty persons were summoned as peers, and about fifty attended; but nearly the whole of these were individuals whose patents were either conferred for the occasion, or of recent origin*.

The lower house was no sooner assembled, than it seized upon the clause in the new instrument which gave it authority to judge of disputed elections, and interpreting it as having a retrospective, as well as a prospective bearing, it was immediately voted that the hundred members who had been excluded by order of the council, should be invited to their places. The large body of persons thus introduced, consisted of individuals whose original disaffection to the government had been much exasperated by their recent sense of ill-treatment.

It must have been seen by Cromwell, from the moment this use was made of the instrument, that nothing friendly could subsist between his authority and such a house of commons; but he considered it prudent for a while to conceal his resentment, and to allow full scope to the passions of his opponents. It soon became evident that the destruction of the new house of peers was the great object of the opposition party in the commons. They professed themselves at a loss to understand the propriety of granting any precedence to a body which had derived its existence from themselves, the representatives of the people, and, as such, the source of all legislative power. Cromwell reasoned with them on this point, and spoke of the confusion and ruin which must soon come on all their petty interests, if this spirit of determined partisanship were not placed under some restraint. But he reasoned in vain. All subjects were forgotten in the zeal with which the majority applied themselves to discussions relating to the title of the new senate, and the rights that should belong to it. In short, a plan was speedily set on foot to procure an abolition, not only of the upper house, but of the protectorate; and so boldly was this point canvassed by certain members of the commons and officers of the army, that a petition in its favour was known to be handed about in the metropolis to obtain signatures.

Cromwell had much to fear at this moment from the royalists, and still more from the heavy arrears due to the army both in England and Ireland. But no time was to be lost. Without intimating his purpose to any man, he suddenly sent for the commons, reminded them of the hostile temper they had manifested, and of the intrigues in which they were many of them engaged; and having pronounced the words, "I do dissolve this parlia-

Excluded
members re-
stored to the
lower house.

Hostility of
the commons
to the upper
house and the
protector.

Cromwell
dissolves the
parliament.

* Noble's Memoirs of the Protectoral Family, i. 370.

ment," he added, "let God judge between me and you*." Thus ended the last effort made by Cromwell to restore the constitution of his country. His opponents trusted that the dissolution of this his third parliament would render him odious, and hasten his fall; nor did they spare any pains to forward the accomplishment of their own predictions. But in all their paths of conspiracy their adversary met them, and proved himself powerful enough to put down this many-headed opposition.

Conduct of
Cromwell in
relation to
parties of his
time con-
sidered

It is not possible that a correct judgment should be formed with respect to the conduct of Cromwell in these proceedings, without a careful attention to the character of the great parties into which the country was at that time divided—the royalists, the presbyterians, and the republicans. The ascertained object of each of these parties was the establishment of their respective schemes, all of which, either essentially or from circumstances, were so many schemes of tyranny. Opposed to them all was Cromwell, with that portion of the army which confided in him; and he opposed them separately and conjointly, so as to prevent the ascendancy of any one of them. His argument was, that the majority of the adherents to the exiled Stuarts were in no temper to be very considerate of the liberties of the country, either civil or religious, if once possessed of the power to thrust them aside; that the presbyterians in general, were disposed to set up an ecclesiastical tyranny, not at all less inimical to real liberty of conscience than that which had been exercised by Laud and his coadjutors; and that the republicans, being so small a portion of the community, if they might possess the power or the inclination to grant some degree of religious freedom, certainly could not retain their place for a month as the ruling

* Burton, ii. 371—464. Parl. Hist. iii. 1523—1527. Cromwell lost no time in assembling the officers; and having stated to them, at much length, the reasons of his conduct, prevailed on them to profess anew their adherence to him. He also ordered the arrest of various parties implicated in the matter of the late petitions, and in other projects of conspiracy against him. Republicans and royalists were equally confident that the hour for realising their long-cherished hopes had arrived, and each expected to profit by the known or suspected machinations of the other. The risings of the royalists were to take place in all the extremities of the kingdom, and in the metropolis itself, at the same time, but were delayed until the expected appearance of Charles Stuart with the troops assembled at Brussels, Bruges, and Ostend, should furnish them with a rallying point. Having dissolved the parliament, Cromwell found himself at liberty to act with his usual promptitude upon the secret information which he possessed with regard to all these movements. He determined also that some severity should now be exercised to prevent the recurrence of such attempts. Dr. Hewit, an episcopal clergyman, who had been exceedingly active in these proceedings, and Sir Henry Slingsby, who had been a party to every royalist plot for some years past, were condemned by a verdict of the high court of justice, and executed on Tower Hill. John Mordaunt, brother to the earl of Peterborough, a youth only twenty years of age, was acquitted, chiefly through the heroic exertions of his wife, a young lady of great beauty and spirit, whom he had recently married. Others who were implicated, and had been put under arrest, were spared.

party, without resorting to the wretched mockery of calling the iron rule of a military oligarchy by the specious name of a commonwealth. He accordingly maintained, and with much plausibility, that the salvation of the country depended on preventing the complete success of any one of the parties mentioned, and his difficult effort in consequence was, to balance them against each other, until the time should come when an amalgamation might be safely attempted. His experiments in regard to parliaments tended more and more to facilitate a settlement founded on principles of rational compromise; but the effect of them all was to make it evident that the enmities of the several factions were not in his time sufficiently controlled by reason and humanity, to allow the country to share in the prosperity and greatness which it might otherwise have derived from his larger and more equitable policy.

It is to these circumstances mainly, that we must look for the source of those acts of despotism which are of such frequent occurrence in the government of England during the protectorate. Cromwell, like most men who seize upon a power to which they were not born, became a tyrant in support of his authority, rather than to gratify his inclination, or to humour his caprice. When his parliaments withheld supplies, he extorted them by the sword, on the authority of a piece of parchment called the instrument of government; and when the conspiracies of the republicans, and the preparations for the rising of the royalists had spread alarm in the spring of 1655, he did not hesitate to place many of the leading nobility and gentry under arrest, until they should find bail for their peaceable conduct*. It was at that juncture, also, that an ordinance was published which declared every royalist possessing an estate of one hundred pounds a year, or personal property to the amount of fifteen hundred pounds, liable to a demand of every tenth penny from his income in support of the government†.

That this decimation, as it was called, might be collected, at least from the more wealthy and notorious partisans of the exiled family, the country was divided into ten or more districts, in each of which an officer was placed under the name of a major-general, who, as commander of the militia in those parts, was required to employ himself in suppressing tumults, and in securing obedience to the government‡. The sufferers in consequence of this proceeding were the episcopalian royalists only, and they naturally complained that the exaction was contrary to the act

* About the same time an ordinance was published which prohibited the publication of any newspaper without the permission of the government; and the eight weekly newspapers which previously existed were reduced to two.

† Thurloe, iv. 208. 216. 218.

‡ Old Parl. Hist. xx. 461, *et seq.*

Character of
his govern-
ment.

Institution of
major-gene-
rals.

of oblivion, which Cromwell himself had been most forward to procure, and that it made the consequence of the late insurrection fall upon those who had not been in any way parties to it. It was replied, that an act of oblivion passed in such circumstances must always be understood as carrying an implied condition along with it; and that this condition had been violated in the present case by subsequent conspiracy and insurrection; that to impose a burden on the whole community which had been made necessary by the ungrateful and relentless hostility of the party to which that act referred, would be to extend the injustice of which they were themselves complaining; and that so far was it from being the wish of the government to punish the innocent, in common with the guilty, that, "if there was yet any person who had been of that party, but who could say with truth that he was wholly free from the late design, and show by actions previous to the insurrection, a disclaiming of the tenour of his former life and conversation; or, if any, being now sensible of his error, should give demonstration to that effect, the government would much more esteem their reformation, than desire their prejudice or harm."

The powers, however, with which these major-generals were armed, though committed in most instances to individuals in whose discretion Cromwell placed his greatest confidence, were necessarily so despotic, that they could not fail of leading to many acts of severe oppression; and the great object of Cromwell in convening his third parliament in the following year, was to obtain such assistance through that medium, as might enable him to preserve tranquillity at home, and to maintain a vigorous policy abroad, without resorting to such "arbitrary proceedings, so unacceptable to the nation." It required neither patriotism nor humanity to be anxious for such a change, since no sagacious man could expect to govern the English people long by expedients of such a character. But the men who acted with Cromwell assumed, not only that the expenses incurred during the late wars had been made necessary by the temper and conduct of the royalists, but that a moiety of those expenses had never been borne by that party, and that it would therefore be well, as a matter of justice, and, from the state of public affairs at the moment, expedient as a matter of policy, to hazard the exasperated feeling which such a proceeding would spread among the royalists, rather than call forth that increase of disaffection elsewhere, which would as certainly follow from a more equal distribution of the public burdens. The royalists, of course, denied the points assumed in this statement, and complained loudly of the conduct pursued towards them*.

* These particulars appear in two licensed newspapers, "The Public Intelligencer," and the "Mercurius Politicus," in the month of December, 1655, and January, 1656. See also Thurloe, iv. 88. 156. 160, 161. 216. The paper which Cromwell put forth in vindication of this measure was intitled, "A Declaration showing the Reasons of the Proceedings of the Government for securing the Peace

It was during the year in which this arbitrary system was adopted, that a merchant named Coney became conspicuous, by refusing to pay the usual duties on goods imported. He objected to the instrument of government, in virtue of which the demand was made, on the ground that it was not an act of parliament. By the commissioners of the customs, Coney was sentenced to pay a fine of five hundred pounds; and, refusing to make that payment, he was sent to prison. He then applied for his writ of *habeas corpus*, and engaged on his behalf Maynard, Twisden, and Windham, three of the most eminent counsel of the day. By these learned men it was maintained, that according to those ancient laws, for which the long parliament in its early days had so strenuously contended, the duties of tonnage and poundage, in common with other taxes, could not be levied without the sanction of an act of parliament; and as the instrument of government was not an authority of that nature, all claims to the public revenue founded upon it must be invalid. But Coney's defenders well knew the weakness of such reasoning as applied to the present disordered state of affairs. Had Cromwell allowed it to prevail, the proper consequence would have been the assembling of a parliament upon the principles of the ancient constitution, and the first act of that parliament would have been one for the restoration of the king. After the first day of this argument, the protector sent Maynard and his colleagues to the Tower, on the charge of having promulgated opinions subversive of the government of the country; but they were soon released, and Coney was prevailed with to be silent*.

This proceeding, however, led the lord chief justice Rolle to express himself with so much distrust of the legislative power assumed by the protector and his council, that he was dismissed, and his place supplied by Glyn. Newdigate and Sharpe, two of the judges, shared in the scruples of the chief justice, and refusing on that ground to administer the new ordinance of treason, were likewise removed. Whitelocke and Widdrington also stated their objections to the proposed exercise of this power for the purpose of accomplishing some material reforms in chancery, and ceased, in consequence, to be keepers of the seal. The two last were provided for in another department of the government. With such exceptions as these, in political cases, the general admi-

of the Commonwealth, on occasion of the late Insurrection and Rebellion." Judging of the conduct of those satraps, who, upon the reasoning of this document, were located through the country, by their proceedings in reference to Cleveland the poet, and the pious and tolerant Jeremy Taylor, we should indeed suppose their language to be what Baxter imputed to certain of them some years before—"What were the lords of England but William the Conqueror's colonels, or the barons but his majors?" Life, lib. i. part i. p. 51. See the iniquitous case of Cleveland, in Thurloe, iv. 184. Cromwell, on receiving a petition from him, ordered his release. Taylor was confined in Chepstow Castle nearly six months. Ludlow paints these majors in the darkest colours, ii. 125, 126; and in the next parliament, their conduct was the topic of loud complaint.

* Whitelocke, 574. Ludlow, ii. 80—82.

nistration of justice during the protectorate was suffered to proceed with regularity, and proved satisfactory to the community—indeed, the incidents just mentioned evince the independent spirit of the judges who were universally distinguished for their learning and integrity*.

While the restless condition of the country, and Cromwell's high conceptions of the position which it should occupy in the view of other nations, made a large expenditure necessary, his own habits, though befitting the chief magistrate of a great people, were marked by economy, and his best attention was given to augment the resources and prosperity of the nation. But his supremacy was to be maintained in the midst of powerful factions, in all of whom there was a proud feeling which could ill brook that a man who had been lately as one of themselves, and whose pretensions even to gentle blood were not deemed unquestionable, should be in effect their king. Whatever high qualities he might possess, this defect was enough—and would so have proved had it been joined to a conduct less faulty—to form an insuperable obstacle to the allegiance which he claimed; and ruling, in consequence, in the midst of enemies, he of necessity ruled by means of intimidation, which sometimes broke through the most valued securities both of property and of personal freedom.

Had not the pride of ancient lineage, and of institutions which had grown with it, been much stronger in the English people than any feeling of vanity, they would, like our Gallic neighbours at a later period, have forgotten the humble origin, and even the faults of their chief, in their admiration of the genius which conferred upon their country a far higher name among the nations of Europe than had hitherto belonged to it. One of the first objects of Cromwell when he became possessed of the supreme power was, to favour the pacific overtures of the United Provinces. Negotiations were accordingly commenced at Westminster, in the course of which it was agreed that the sovereignty claimed by the English flag should be ceded to it; that the enemies of the English government should be excluded from the territories of the States; that a treaty of mutual defence should be formed between the two republics; that the isle of Poleron should be given up; that the sum of eighty-five thousand pounds should be paid to the East India Company, beside three hundred and sixty thousand pounds to other parties, as compensations for losses sustained by England, and English merchants in the East; and on the part of the States of Holland, though not on the part of the States General, it was promised that the present prince of Orange, the son of the eldest daughter of Charles the first, who was then only three years old, should never be raised to the

* Whitelocke, 602—608. The great secret of his government, says Welwood, was, "to suit the person to the employment, not the employment to the person." Memoirs, 110.—Goddard, 170.

trust of stadtholder, or captain-general, or be made governor of any town or fortress*.

In the treaty between Portugal and the long parliament, the latter Portugal. had insisted that the expenses occasioned to the English government, by the shelter afforded to the nephews of the late king in the Tagus, should be defrayed by the court of Lisbon. With these terms the Portuguese government at length complied, but the negotiations were not concluded until the power of the parliament had passed into the hands of Cromwell and his council. The protector inherited the national aversion to Spain; and the alliance with Portugal, which was acceptable to Cromwell from its tendency to humble that power, was of the highest importance to the Portuguese, depending as they did, in a great degree, on their commercial prosperity, for the preservation of their newly acquired independence †.

It happened only a few weeks before the signing of this treaty, that Execution of Don Pantaleon Sà. Don Pantaleon Sà, the brother of the Portuguese ambassador, proceeded with some twenty attendants to the house of a gentleman named Gerard, with whom he had some disagreement, and killed a person whom he found there, supposing him to be the individual with whom he had lately been in dispute. Having, as he believed, accomplished his purpose, the assassin fled to the house of his brother. But the house of the ambassador, though, according to the law of nations, a sort of sanctuary, afforded him no protection. The offenders were committed to Newgate; and Don Pantaleon was executed on the morning of the day on which the treaty between England and Portugal was definitively signed ‡. Not long afterwards, a treaty of commerce and friendship was concluded between this country and Sweden, the queen Christina being then upon the throne.

France and Spain—their relative positions. But the great powers of the continent were France and Spain, whose mutual jealousies had long taught them to employ all possible means for the purpose of enlisting the subordinate states of Europe in their quarrels. During this period the provinces of the Netherlands continued to be the great object of contention between them. In England, neither power had seen much either to hope or fear, since the accession of the house of Stuart. But a marked change took place in this respect after the commencement of the commonwealth; and the ascendancy of Cromwell as lord protector—seen as he was by the cabinets of Europe in the bold outline of his character from a distance—only promised to give more unity and effect to the energies of the republic. Spain in

* Dumont's *Corps Diplomatique Universel*, tom. vi. Partie ii. 74, *et seq.* Thurloe, i. 570, *et seq.* ii. 9—197, *passim*.

† Ibid. *Traité* xxiii. Kennet, iii. 192. Whitelocke, *passim*.

‡ State Trials, v. 462—479, where the law of this case is examined.

particular might well dread hostility from that quarter, not only as it would probably affect her territories in the Netherlands, but still more on account of her commerce, and her possessions in the new world; nor could her statesmen avoid seeing, that though the pride of their country had not diminished, her power had been for some generations upon the decline. France, at the same time, though more populous than Spain, and possessing great advantage in geographical position, was so weakened by internal division and disorder, that the acquisitions made by her prowess abroad, seemed fated to pass successively from her hands, as the natural effect of the spirit of faction which distracted and enfeebled every thing at home.

The cardinal Richelieu, who was the great ruler of France during the progress of the civil wars in England, did much to break the force of the evils which weakened that country, but at the same time to lay the foundation of others more formidable to the peace of Europe, and ultimately to the prosperity of France itself. It was his policy to attach the nobles of France to Paris, and, involving them in extravagance by that means, at once to destroy their power in the provinces, and their independence at court. In this manner the history of France was made to be little more than the history of its capital, and the effect of this policy has been visible to our own time in the affairs of that country. The age of Richelieu was succeeded by the minority of Louis the Fourteenth, and the uncertain ascendancy of the cardinal Mazarin. The latter of these great ecclesiastical statesmen was an Italian by birth, and both were of that country by education. In the Italian school they had become adepts in all the winding subtleties of state policy, and had learnt to regard all means as good in proportion as they might be employed with success—nor in general were the ends which they proposed more consonant with a due regard to moral considerations than the expedients adopted to secure them. Their great aim was to establish the despotism of the throne, as the only remedy that could be provided against the commotions, civil and religious, which had so long afflicted the country; and toward that object they proceeded without appearing to suspect that the remedy might some day become a greater evil than the disease.

Mazarin, whose caution partook more of timidity than that of Richelieu, no sooner heard of Cromwell's ascendancy as lord protector, than he employed every art to secure an alliance with him. Richelieu had died in the plenitude of his power; but his decease, and the tender age of the sovereign, had favoured the return of the old disorders; and Mazarin, in consequence, deemed his footing so insecure, and the power of the English commonwealth so formidable, that it was a saying current in Paris—"That the cardinal had less fear of the devil than of Oliver Cromwell *."

* Kennet, 209. Welwood, 109.

That his deference to Cromwell was the homage of fear soon became manifest in the sanction which he gave to a conspiracy against the life of the protector. Mazarin had been taught by the court of the exiled family to look upon the death of Cromwell as an event which, in the present state of parties in England, must necessarily lead to their restoration; and his own acquaintance with the character of Charles Stuart led him to see in that occurrence the exchange of a vigorous for an effeminate policy on the part of the English government. In the hope of being thus freed from the hazards of hostility in that quarter, Mazarin instructed De Baas, the French ambassador, to become a party to this iniquitous project. Cromwell, with his usual vigilance, soon became aware of the design, and confronted De Baas with one of the conspirators. Having thus convicted the ambassador, Cromwell was satisfied with commanding him, in a tone of alarming indignation, never again to appear in England in a capacity the high functions of which he had disgraced by connecting them with the guilt of the traitor and the assassin. The magnanimity of the protector on this occasion was exercised at some risk, but was not altogether lost upon his generation*.

The treaty which he ultimately formed with France was not signed before the autumn of 1655. Calais was an old possession of the English crown, and Spain, among other things, proffered her assistance to the protector in recovering it. But Cromwell's personal dislike to Spain; his expectation of making rich conquests in the West Indies and South America; and the offer of the French to put him in possession of Mardyke and Dunkirk, on condition of his assisting in the capture of those towns, disposed him to side with France. It was also agreed that compensation should be made for certain injuries done to the commerce of England, and that twenty persons to be named should be excluded from the territories of France, among whom were the sons of the late king†.

But the spring of 1657 arrived, and Mazarin, having succeeded in deterring Cromwell from uniting himself with Spain, devised excuses to delay the promised siege of Mardyke and Dunkirk. But the protector then wrote to say, that he was no longer to be put off with "words for children," and to command that in case of any further procrastination,

* Thurloe, ii. 248, 249. 309—455, *passim*. State Trials, v. 513—518. The principal ambassador from the court of France at this time was Bordeaux, but De Baas was also empowered to act in that capacity.

† St. Priest, *Histoire des Traités*, i. liv. iv. c. ii. *Traité 17*. On the part of this treaty relating to the king's sons, Ludlow remarks, (ii. 107)—"Such is the mystery, or rather knavery of those governments that are framed to support an arbitrary power, that they will not scruple to sacrifice the best friends and nearest relations when they stand in the way of their designs;" as though the zeal of republicanism had never been known to put the private affections in abeyance, and to sacrifice individuals unjustly to the supposed interests of the majority. This guilt, however, is both more frequent, and more grievous, in arbitrary governments.

his "men might be put in a posture to be returned to him, and to be employed to better purpose*." Some months before, the English fleet, appointed to assist in the siege, had landed six thousand chosen infantry at Boulogne. Louis made a journey to that place that he might review the troops whose exploits had made them so celebrated; and with the insincerity usual on such occasions, returned a compliment which Cromwell sent to him, by denominating the man whom he loathed as an odious usurper, the most enviable prince of his age.

The peremptory language of Cromwell having put an end to the procrastinating policy of the French minister, the siege of Dunkirk was commenced. At the same time, Louis and the cardinal removed to Calais; and the protector seized the opportunity to send lord Fauconberg with a splendid retinue to congratulate the young king on his near approach to the English shore. The deputation was received with the greatest ceremony, both by the prince and the minister. In the public audiences given to Fauconberg, Louis appeared uncovered; and indulged in much talk with him in private. Mazarin came from his apartment to meet the English envoy; and on his departure attended him to his carriage—a mark of respect, it was observed, which he had never shown to his sovereign †.

Complimentary deputation from Cromwell to Louis.

Twelve days after the siege of Dunkirk had been entered upon, the Spanish army, under don John of Austria and the prince of Condé, advanced to the relief of the place. The French general hesitated whether to raise the siege or risk an engagement. The English strongly recommended the latter, and a regular battle took place, partly on the downs and partly on the sands to the north of the town. The left wing of the besiegers consisted principally of the English, who seemed to exult in the opportunity of measuring their strength with the Spaniard—the hereditary foe of their country—and that upon a foreign soil, and in the presence of the veteran troops of France, commanded by Turenne, the greatest of her generals. Their conduct proved that the reports of their disciplined valour which had gone forth were nowise exaggerated. The immortal six thousand ‡—such was the name which they acquired—not only carried every thing before them, in the face of an obstinate resistance, but, after their manner at Naseby and Marston-moor, having chased one wing of the enemy from the field, they returned upon the flank of the other, and of the main body, and made the victory complete. In the regiment of Lockhart, the English commander, there was scarcely an officer without a wound at the close of the day, and many were killed. The duke of York fought on the side of the Spaniards at Dunkirk with much

Siege and victory of Dunkirk.

* Thurloe, vi. 490, Aug. 31.

† Ibid. vi. 288. 337. vii. 151. 158. Welwood, 112, 113.

‡ Sir William Temple's Memoirs, Part iii. 154.

courage, and betrayed that sympathy with the English character, which, with all his faults, never forsook him, by applauding the bravery and masterly conduct of his countrymen who were on that day arrayed against him*.

Not many days later Dunkirk was surrendered to the French, and the marshal duke of Crequi, nephew to Mazariu, was sent in much state to present the keys to Cromwell, as to the greatest captain on earth. This was done in the midst of

great pageantry in the banqueting house. It was observed, however, that Cromwell, having looked significantly at the superscription of the letter sent him by the French king, placed it in his pocket unopened. The marshal afterwards expressed his surprise and displeasure at this proceeding, and inquired of secretary Thurloe what could have led to it. Thurloe replied that he supposed the protector must have expected the French king to address him as "our dear brother," and not by his state title merely, as had been done in the superscription. It is said, that when the ambassador reported this to Louis, he exclaimed—"Shall I call such a fellow *my brother*?" "Ay, call him *your father*," rejoined Mazarin, "if so you can get of him what you desire." In the end, another letter was sent bearing the fraternal style of address†.

The fall of Dunkirk was followed by that of Winoxbery, Furnes, Dixmude, Ypres, Gravelines, Oudenarde, and Menin. Throughout this campaign the English and French continued to act in harmony, and other enterprises were afterwards in contemplation when the career of Cromwell reached its close.

The maritime power of England during the protectorate partook of the general vigour of the government. An expedition, indeed, sent out against St. Domingo, and other Spanish possessions in those parts, proved a failure, and from causes some of which should have been foreseen; but the disappointment in that case was somewhat compensated by the unexpected conquest of the island of Jamaica, a more valuable acquisition to England than a footing in the South American continent would have been. An attempt was subsequently made by a fleet under the admirals Blake and Montagu to capture the convoy bearing the usual supply of the precious metals from America to Spain. After cruising some time, it was ascertained that the enemy had passed, and arrived safe within the harbour of Cadiz; but another Spanish fleet from

* Ludlow, ii. 108, 109. This writer says the English suffered most from a party of cavaliers under the duke of York, "who galled them from a sand hill," but adds, that when dislodged from that position, their bravery was inferior to that of the Spaniards. Thurloe, vii. 156. Clarendon, vii. 280—284.

† Diary of Dr. Henry Sampson. Sloan MSS. No. 4460, p. 22. Thurloe, vii. 193. Clarendon, vii., *ubi supra*. Welwood, 113, 114.

Havannah, hardly less wealthy, fell into the hands of the English. The silver taken was conveyed in waggons from Portsmouth to London, and lodged in the Tower. Blake also appeared before Leghorn, and exacted sixty thousand pounds from the grand-duke of Tuscany, as the penalty of having allowed prince Rupert to sell his prizes in that port, and obliged some English vessels to leave it, which were, in consequence, taken by the Dutch. From Leghorn the English admiral sailed to Algiers, and extorted an engagement from the Dey that no further violence should be offered to the persons or property of Englishmen. Blake next appeared before Tunis. The governor of that place defied his power, asking if he could look on the castles of Goletta and Port Ferino, and regard the enemy possessing them as likely to fail in the means of defence? The veteran admiral immediately opened his fire on those fortresses, and not only laid them in ruins, but destroyed nine ships of war in the harbour. The report of this achievement soon flew to Tripoli, and disposed the government to comply at once with the terms which Blake had been instructed to prescribe.

CHAPTER II.

Cromwell's interference on behalf of the persecuted Vaudois—Their sufferings—Effect of Cromwell's remonstrances—State of Religious Toleration during the Protectorate—Institution of the Triers—Their Office—General Result of their Labours—Increase of Religious Sects—Rise of the Quakers—George Fox—James Nayler—Ranters, Muggletonians, Fifth-monarchy-men, Unitarians, John Biddle—State of the Presbyterians—The Independents—National Convention of that Body at the Savoy—Cromwell meditates assembling another Parliament—Death of his Daughter, Lady Claypole—His Illness—Death—and Character.

No part of Cromwell's proceedings with regard to foreign powers was more acceptable to his country, or afforded more certain evidence of the awe which his name had inspired throughout Europe, than his conduct in relation to the persecuted protestants in the valleys of Piedmont. Those sufferers, known by the name of the Vaudois, were descended from the ancient Waldenses, who, long before the age of Luther, had distinguished themselves by the avowal of opinions on theology and ecclesiastical discipline, in substance the same with those which have since become known under the name of protestantism. The Vaudois were at this time the subjects of the duke of Savoy, an intolerant catholic. It has been stated, indeed, by some catholic writers, that the protestants of the valleys were the aggressors. They are said to have treated the religious practices of their catholic neighbours with derision and insult, and to

have extended their settlements and their worship beyond the limits which ancient custom had prescribed to them. But as the government, and the majority of the people subject to it, were catholics, the first part of this accusation must be allowed to be extremely improbable; and though the second is said to have been established by a civilian deputed to make inquiry concerning it on the part of the sovereign, no great credit can be given to decisions obtained in such circumstances by the strong against the weak.

But under such pretexts, the people of a considerable district were informed on the twenty-fifth of January, 1655, that after three days they must quit their native valleys, on pain of confiscation and death, or abandon their religion, and conform themselves to the catholic worship. This mandate, issued in the depth of winter, was enforced without regard to the infirmities of age or the tenderness of infancy. The exiles withdrew from the prohibited district to the south side of the river Pelice, but lingered in the neighbourhood of the settlements which this proscription did not at present reach. Such of the Vaudois as were not involved in this sentence sympathised with their suffering brethren; and the feeling of resentment in both parties was described as requiring that troops of soldiers should be quartered upon them. But the places allotted to the military were soon deserted by the people, and the obtruders became straitened for the means of subsistence. The methods adopted to obtain the requisite supplies were so violent, that the people flew to means of defence, and in the first conflict had the advantage. But their untaught courage was ere long subdued by the disciplined force brought against them. The scenes of carnage and iniquity which ensued are too revolting for description. Churches were given to the flames, with all who had fled to them for safety. Whole families were slaughtered together. Men, and women, and children, were hunted down upon the rocks and heights like beasts of prey, and as in sport. The persons of the sufferers were often violated before they were put to the sword, and compassion was alike denied to the feebleness of age, and the infant in the womb*.

When about three hundred persons had thus cruelly perished in the valley of Lucerne, the neighbouring protestants, particularly those

* See Morland's History of the Churches in the Valleys of Piedmont. Leger. *Histoire des Eglises Vaudoises*. These writers not only describe the cruelties mentioned in the text, but, after the fashion of the Book of Marlyrs, have set them forth by the aid of the engraver. Mazarin had the effrontery to assert that the whole affair consisted in the rising of the people against the military, which cost some fifty of them their lives, "without any other cruelty exercised upon them, unless," he adds, "they were those which they exercised themselves, for they committed a hundred times worse cruelties upon the catholics. This is the true matter of fact?"—Thurloe, iii. 536. A fabricator who would succeed in his vocation, should keep his fictions so far within the bounds of probability as to give them some chance of being believed.

of Geneva, interposed in loud reprobation of the outrage; and the check thus given to the demon of intolerance was followed by the interference of Cromwell, who was informed of these barbarities a few weeks after their commencement. "The sufferings of those poor people," he said, "lay as near, or rather nearer to his heart, than if it had concerned the nearest relations he had in the world*." Morland, under secretary to Thurloe, was despatched on their behalf to the court of Turin; and Milton was employed to address letters on the subject to the duke of Savoy, to the States General, to the protestant cantons of Switzerland, and to the kings of Sweden, Denmark, and France.

The conduct of the duke of Savoy was attributed to the influence of his mother, who was a daughter of Henry the fourth, and sister to the reigning king of France. Cromwell wrote to Louis and Mazarin, stating that one condition of the treaty then in progress between him and France must be, a redress of the wrongs inflicted by the duke of Savoy on his protestant subjects. It happened that some French troops had been permitted to assist the Savoy authorities in the work of destroying, or at least of keeping down, the heretics of the valleys. Louis affirmed that this had been done without his authority, and having expressed regret that his soldiers should have been so employed, he professed to regard the conduct of the duke of Savoy, who was an independent sovereign, as altogether beyond his control†. In answer to this evasive policy, Cromwell reminded the king of what he might readily accomplish in this case, and of what was expected from him; and Louis so far complied, that the duke became concerned to make some milder arrangement with his injured people, without waiting for that general conference of ambassadors on the subject which the influence of the protector would soon have brought about.

Had that conference taken place, proposals more favourable than were now accepted by the sufferers would probably have been extorted in their behalf: but having signified their acceptance of the adjustment offered them, the interference of the protestant states was withdrawn. Cromwell ordered that collections should be made for the relief of the Vaudois in the churches throughout England, and nearly forty thousand pounds, thus contributed, were transmitted to them in several payments.

It must be confessed, however, that the protector knew not how to extend that liberty to catholics, which he so sternly demanded from them in favour of protestants. He not only prohibited the exercise of their worship, but concurred in excluding them from all places of public trust, and in depriving them of their elective franchise. Even prelacy

Effect of the
protector's
interference.

State of religious
toleration during
the protectorate.

* Morland, p. 330.

† Thurloe, iii. 536. 617. *et alibi*.

and the liturgy were proscribed. The law, however, as it related to worship according to the book of Common Prayer, was not strictly enforced. There were instances in which that worship was openly and regularly performed, even in the heart of the capital, without molestation. The ruler who would have asserted the religious rights of the Quaker, the Socinian, and even of the Jew, will not be supposed to have had any strong objection of a religious nature to the toleration of a liturgy, or of an episcopalian clergy. The political disaffection manifested by that class of persons was regarded, after many experiments, as an evil which no lenient treatment was likely to subdue; and their continual plottings to escape from the control of the existing government, only served to place them in more rigorous subjection to it.

It is to the insurrection and assassination plots, which were too frequently encouraged by this party during the protectorate, that we must ascribe the appearance of an ordinance in 1656, which went to exclude the episcopalian clergy from all fellowships and livings, and even from being employed as chaplains, schoolmasters, or private tutors. The issuing of such a law, merely as an instrument of terror, is not to be vindicated; its general enforcement would have been a most cruel persecution. But that it should be so enforced was never intended. In the midst of the alarm excited by its publication, archbishop Usher presented himself to Cromwell as the advocate of his suffering brethren, and, without much difficulty, obtained a promise that the ordinance should be withdrawn, or at least that it should not be put in execution, except in the case of such clergymen as became political offenders. The latter course of proceeding was preferred by the council, and the practice of those divines who had been accustomed to conduct public worship according to the forms of the late hierarchy remained undisturbed*.

No part of Cromwell's policy, with regard to religion, gave so much offence to the episcopalian royalists as his appointment of Institution of the triers— certain commissioners to examine candidates for ordination. their office. These persons were called triers. In the first instance, they constituted one assembly only, and were about forty in number,

* "It is certain," says bishop Kennet, "that the protector was for liberty, and the utmost latitude to all parties, so far as consisted with the peace and safety of his person and government; and even the prejudice he had against the episcopal party was more for their being royalists than for their being of the good old church. Dr. Gunning, afterwards bishop of Ely, kept a conventicle in London, in as open a manner as the dissenters did after the toleration, and so did several other episcopal divines."—*Complete History of England*, iii. 223. Neal, iv. 72. 92. 124, 125. *Harris's Life of Cromwell*, 37—45. *Baxter's Life*, 86, 87. *Whitelocke*, 614. Dr. Bates, whose zeal as a royalist is sufficiently known, remarks—"The protector indulged the use of the Common Prayer in families, and in private conventicles; and though the condition of the church of England was but melancholy, yet it cannot be denied, that they had a great deal more favour and indulgence than under the parliament; which would never have been interrupted, had they not insulted the protector, and forfeited their liberty by their seditious practices and plottings against his person and government."

a fourth part being laymen. One object of the protector was to provide that the admission of persons to church livings should not rest entirely with the presbyterians, and the commission accordingly included several independents, and some baptists. These functionaries were to require from the candidates submission to the existing government, as well as to judge of their ministerial qualifications. The first instructions, issued in the spring of 1654, supplied scarcely any definite rule to guide these examiners, and afforded a dangerous latitude to passion and caprice*. But an ordinance published in the autumn of that year set forth the evils to be corrected; and appointed a commission for each county, which was to consist of ten clergymen and several laymen, five of whom might call before them any minister or schoolmaster reputed ignorant, insufficient, negligent, or scandalous. The lay commissioners proceeded upon oath, and to convict an accused party of ignorance or insufficiency required the judgment of five laymen, and of the same number of ministers. Most of the practices mentioned in this ordinance as to be accounted scandalous, were such as called for correction on the ground of public decency; but among the things so described was, any publishing of disaffection to the present government by conversation, preaching, writing, or otherwise; frequent playing at cards; profaning the sabbath; the encouragement of Whitsun-ales, wakes, morrice-dances, maypoles, and stage-plays; the frequent use of the Common Prayer; and all reviling of the strict profession of godliness†.

Neal states that no instance has been produced of a minister rejected by these authorities, without being first convicted of immorality, of obnoxious sentiments on the Socinian or Pelagian controversies, or of disobedient conduct toward the government. If this statement be only somewhat near the truth, it is manifest that the commissioners must have made a very discreet and moderate use of the powers intrusted to them. That they threw open the church to a race of men the most ignorant and incompetent that ever entered it, as their enemies affirmed, may well be doubted from the fact, that at the restoration, when the disposition to such exercises of power was not wanting, there were no expulsions on such grounds. Persons who were conscientiously opposed to the conformity which the government required from them, whether their objections referred to the theological or political creed which had now become the test of orthodoxy, naturally complained of the persecution to which their scruples exposed them. But the right of the state to prescribe the terms of admission to offices in the state church was not

General effect
of their labours.

* The only instruction of the ordinance on the qualifications to be required was that the person admitted should "be approved, for the grace of God in him, his holy and unblameable conversation, as also for his knowledge and utterance, able and fit to preach the gospel." Scobel's Acts, 279.

† Ibid. 335—340.

denied by the parties adverted to, and if that right be once admitted, it is difficult to separate its exercise, even in the most orderly and tranquil times, from the appearance of injustice. The historian of the puritans has stated, and with evident truth, that the commissioners were a greater terror to fanatics and visionaries, than to any class of the regular clergy *. The unbiassed testimony of Baxter is to the same effect †.

It was the greater toleration of religious notions and usages during the ascendancy of Cromwell which contributed to make that period so memorable in the history of religious opinion. All those varieties of theological speculation and sentiment, which had been so often condemned in ecclesiastical history under the name of heresy, then seemed to spring up anew, like the sproutings from seed which had lain dormant in a wintry soil. The republics of Greece and Rome embraced no principle of government which was not broached, discussed, and propagated, among us in that age; and there was hardly a sublimity or a weakness in those conceptions of our holy religion which had sprung from the diversified character and condition of the species in preceding centuries, that did not then seem to break forth as with the vigour and freshness of novelty. It is a spurious philosophy which stumbles at these things, and which shows itself capable of pardoning the weakness of humanity on any matter rather than upon religion, where, assuredly, it is most of all entitled to our indulgence.

Among the sects which became notorious at this time were the disciples of George Fox, who were soon known by the name of Quakers. * Fox was born in humble circumstances, but received a religious education, which appears to have powerfully affected his feelings and imagination, and made him remarkable for a strictness of life which he believed to be enjoined by Christianity. Having so far surrendered himself to the guidance of illuminations or impressions, which he judged to be from heaven, as to

Rise of the
Quakers—
Notice of Fox.

* Neal, iv. 92—103. Orme's Life of Owen, 154.

† "Because this assemblie of triers is most heavily accused and reproached by some men, I shall speak the truth of them, and suppose my word will be taken, because most of them took me for one of their boldest adversaries. The truth is, though their authority was null, and though some over-rigid and over-busy independents among them were too severe against all that were Arminians, and too particular in inquiring for evidences of sanctification in those whom they examined, and somewhat too lax in admitting unlearned and erroneous men, who favoured anti-arminianism or anabaptism; yet, to give them their due, they did abundance of good to the church. They saved many a congregation from ignorant, ungodly, drunken teachers, that sort of men who intended no more in the ministry than to say a sermon, as readers say their common prayers on a Sunday, and all the rest of the week go with the people to the alehouse, and harden them in sin; and that sort of preachers, who either preached against a holy life, or preached as men who were never acquainted with it; these they usually rejected; and in their stead admitted of any that were serious preachers, and lived a godly life, of what tolerable opinion soever they were."—Life and Times, Lib. i. part i, p. 72

relinquish his daily employment, that of a country shoemaker; and having wandered for some time from place to place, without any apparent object, Fox began to abstain from public worship, and to teach that the service most acceptable to God was of a nature to be performed without the assistance of a regular ministry, the inward teaching of the Spirit, to be realised by a process of mental abstraction, being, according to him, the great prerequisite to the highest degree of knowledge, feeling, and enjoyment in religion *.

In ecclesiastical history, the extravagant opinions which have obtained the greatest notoriety will be found to have resulted, in most instances, and by no unnatural process, from the prevalence of doctrines of an opposite complexion, extremes producing extremes. Fox lived in an age when the spirit of religion was not unfrequently lost amidst the zeal and contention of parties with respect to the best means of preserving and diffusing it; and his humane contemplative mind disposed him to believe that no part of the ecclesiastical machinery, about which there had been such bitter disputes and hot wars, formed any really necessary appendage to christianity. By declaring Christ to be the only priest under the gospel, and by expounding christianity as opposed to an ecclesiastical establishment in any form, Fox seems to have concluded that he was pointing to the means by which his generation might be saved from one main source of the animosities and unhappiness he so deeply and justly deplored.

Fox avowed and practised most of the peculiarities which at present distinguish his accredited followers; and delivered himself on those matters as one taught "by the divine light of Christ." His first attempt to correct the clergy, while discharging their duty in the pulpit, was at Nottingham, in 1649, and was followed by some harsh treatment from the magistrates; the second was at Mansfield, where the people thrust him into the stocks, and, after inflicting considerable injury on his person, drove him from the town. In such treatment, Fox and his converts saw only the recurrence of evils which had been endured by greater apostles before them—the errors of the times being hardly less removed, in their view, from the religion of the gospel, than were the Judaism or the heathenism against which Peter and Paul were commissioned to deliver their protest.

In the following year, preachers of this class, of both sexes, became numerous; and the name of Quaker was first given to them by one Bennet, a magistrate in Derby, whom George Fox exhorted, bidding him tremble at the word of the Lord. Their usual exhortation was, that men should not attend to hireling priests, but should follow the light

* "He fasted much, and walked often abroad in solitary places, taking his Bible with him; and then sat in hollow trees and lonesome places until night came on; and frequently in the night walked mournfully about, being surrounded with many sorrows in the times of these first workings of the Lord in him."—Sewell's History of the Christian People called Quakers, i. 10—20. A Journal of the Life, Travels, Sufferings, and Christian Experiences of George Fox.

within them, confiding in that light as proceeding from the Holy Spirit, and as the appointed interpreter of the sense of Scripture. Scandalised by the abuse of holidays, and by the superstitious importance attached to religious ceremonies, they proceeded far toward an entire proscription of all such institutes, looking more to the light of the Holy Spirit within them than to external regulations and observances of any kind. If what is reported concerning some of the early Quakers be true, there certainly did occur instances of indecorum, which called for interposition and restraint.

During the protectorate, these people had their separate assemblies, both in the capital and the country, where large numbers attended. But their spirit was not to be confined within such limits. The churches to which the highest authorities of the state were accustomed to resort, and the house of parliament itself, were sometimes selected by persons of this class as the places in which it behoved them to give expression to their sentiments. On one occasion, a female forced her way into the house of commons, with a trencher in her hand, and breaking it in pieces before the members, exclaimed, "So shall ye be broken." One man, having solicited the aid of Cromwell on behalf of his suffering brethren without effect, removed his cap from his head, and tearing it into several parts, cried out, "So shall thy government be torn from thee and thine house." Another, whose proceedings, however, were disowned by the body, professed to have been taught by inspiration that he should kill all the members of parliament; and he appeared, accordingly, at the door of the house with a drawn sword in his hand. Several persons were wounded before this madman could be disarmed*.

But the first place among the more visionary members of this sect is due to James Nayler, though his conduct also was in a great degree peculiar to himself, and must not be viewed as implicating the body at large. This man had been nine years a soldier in the army of the parliament, when, in 1651, he became a convert to quakerism. He persuaded himself that he was, in some peculiar manner, the dwelling-place of the second person in the trinity; and affirmed that he had raised Dorcas Erbury from the dead, two days after the spirit had left the body. While in prison at Exeter, he allowed himself to be addressed in the most extraordinary language, as "the Everlasting Son, the Prince of Peace, the Fairest among Ten Thousand." On entering Glastonbury, Wells, and other places, he appeared with Dorcas Erbury, and other females, going before him, and spreading their garments in the way. On his approach to Bristol, his fellow-believers not only hailed him with loud "hosannas," but announced his coming as that of the "holy, holy, holy, Lord God of Israel." His imprison-

* Penn's Works, i. 364. *et seq.* Fox's Journal. Sewell. Whitelocke, Dec. 30, Jan. 3.

ment in that place seemed only to aggravate the delusion. His followers, consisting mostly of women, regarded him more as an incarnation of the Divinity than as a man. They sat continually at his feet, singing hymns to his praise, which abounded in the loftiest and most affectionate expressions applied in the Psalms and the Prophets to the Messiah.

These things happened in 1656, and the parliament then assembled resolved to call this delinquent before them. During ten days the case of poor Nayler was the subject of debate; and a vote to put the "blasphemer" to death was lost by a division of ninety-six against eighty-two. At length, instead of consigning the unhappy man to such treatment as might have restored his understanding, a sentence was passed upon him, so revolting, as to have been worthy of the court of high commission, or of the star-chamber, in their worst days. This severity, too, the house was pleased to exercise on its own authority, in preference to proceeding by bill, which would have made it necessary to obtain the assent of the protector. Cromwell, who would not have concurred in such a measure, did not fail to remind the angry theologians at Westminster, that he was in much doubt with regard to their right to convert themselves, after this manner, into an independent court of judicature. It should be added, however, that though some extravagancies of this sort certainly belong to the early history of the Quakers, the sect was always conspicuous for its strict integrity and morality, including many truly devout and sober minded people, and has long since been known among us as doing special honour to christianity by the abundance of its good works.

There was a sect, known during the same period of excitement, by the name of Ranters. These persons also, were distinguished by their pretensions to the power of working miracles. John Robins, a notorious personage among them, sometimes spoke of himself as the Almighty, sometimes as being Adam raised from a sleep of nearly six thousand years, and laid claim to all sorts of power over the living and the dead. These powers, however, were not sufficient to prevent his being sent to the new bridewell, where he was visited by Reeve and Muggleton, two enthusiasts of the same description, who admonished him to desist from his vocation in future, on pain of eternal condemnation. So little disposed were these new apostles to tolerate rivals, that they not only laid a similar interdict on one John Tawney, who had set himself up as the Lord's high priest, but wrote to the same effect to many of the leading presbyterian and independent ministers. Robins, in the character of another Moses, was to conduct one hundred and forty-four thousand converts to Jerusalem, and Tawney was to have been his Aaron. In the malady of all these pretenders the same symptoms were observable. They indulged in the proudest assumptions, under the garb of humility; and though their

The Ranters
and Muggle-
tonians.

ultimate object was the happiness of the worthy, the freedom with which they pronounced their anathemas on all who opposed them, afforded sufficient proof that they were not strangers to the influence of malevolent passions. With all their incoherence, too, there was a degree of cunning which rarely forsook them. It is not surprising that some of them imbibed the antinomian heresy—maintaining that the liberty secured to believers by Christ is a liberty to live in sin; but of those who entertained that doctrine, or, more properly, speculations tending to it, very few were found to act as though the creed attributed to them was really believed by them. It required nothing more than the limited shrewdness necessary to the success of their plans to prevent their becoming practical autinomians*.

But more considerable, and of somewhat longer duration than the sects founded by these persons, was the fraternity known by the name of the fifth-monarchy-men—so called, because they maintained, from the prophecies of Daniel, that the fifth universal monarchy, to succeed the fall of the Roman empire, which was the fourth, was to be a monarchy given into the hands of the saints of the Most High, under which all the forms of violence and suffering hitherto attendant on the governments of this world were to cease. But it was maintained that the setting up of this new species of government was to be accomplished by the assistance of the sword, and it was deemed proper that the usual worldly expedients should be employed for the purpose of securing partisans to this great enterprise.

The leader of this sect in 1657 was one Venner, a wine-cooper; but in that year a sort of coalition was formed between these fanatics and some of the discontented commonwealth's men in the army, and measures were taken to commence a general attack upon the government. In its manifesto, this party declared Cromwell to have become an apostate from the time of dissolving the little parliament, and proposed to place the government of the country in the hands of a sanhedrim of such men as were convened in that assembly—men who should acknowledge the Bible and its Author as the only authority superior to themselves, and who would be careful to deduce all their laws from the Scriptures alone. But in this conspiracy, though much was done upon the ordinary grounds of prudence to ensure success, more was left to be supplied by that supernatural power which was expected to influence the hearts of multitudes, as soon as the standard of the new kingdom should be unfurled. Cromwell was not ignorant of these proceedings, and by seizing some of the leaders at their place of rendezvous, frustrated all their magnificent designs†.

* Muggleton's Acts of the Witnesses, 21—77.

† Thurloe, vi. 185 *et seq.* Public Intelligencer, April, *passim*. Standard Set Up. Kennet, iii. *ubi supra*.

While Cromwell's first parliament was sitting, John Biddle, the reputed father of Unitarianism in England, published a catechism, in which he denied the existence of the trinity, ^{The Unitarians.} by rejecting the divinity of the Son and of the Holy Spirit. ^{John Biddle.} He also denied the omniscience, omnipresence, and immutability of the divine nature, affirming that the Deity existed in bodily shape, and was subject to human passions, the language of Scripture in these respects being to be understood literally, and not figuratively. The proceedings commenced against the author by the parliament were interrupted by its dissolution; but the presbyterians in the city commenced a prosecution of the offender upon the statute of blasphemy, passed during the period of their ascendancy in 1648. Biddle, according to that statute, was liable to capital punishment; Cromwell not only procured that the penalty should be commuted for banishment, but allowed the exile one hundred crowns a-year for his maintenance. He was sent to the Star Castle in St Mary's, one of the Scilly Islands, and remained there three years, when the protector allowed him to be discharged*.

It was manifestly the wish of Cromwell to deal equitably with the different religious parties, and to promote among them a State of the spirit of forbearance. He endeavoured to moderate the ^{presbyterians.} zeal of the presbyterians against false opinions, and denied to that party the secular power by which they were desirous of enforcing their church censures; but he allowed them, notwithstanding the frequent indications of their pride and disaffection, to retain nearly the whole of the ecclesiastical revenues of the country in their hands. They conducted the different parts of public worship, and their ordination services, according to their own directory; their provincial meetings and class meetings were regularly convened, and each county had its monthly meetings of ministers and elders, for the purpose of religious conference or discussion. By some arrogant men the meetings for fraternal conference were avoided, because independents and baptists were frequently found in them; but the general effect of those different associations in softening the animosities of party, was becoming more and more manifest before the death of Cromwell. It should be added that, with all their intolerance, the diligence of the presbyterian ministers in preaching, in catechising the young, and in looking to the general prosperity of the charge committed to them, was such as entitled them to high praise†.

* Journals, Oct. Dec. Jan. 1654-5, *passim*. Baxter's Life, 197—199. Toulmin's Life of Biddle.

† Baxter's Life, 147—149, 167 *et seq.* Neal, himself a presbyterian, remarks that nothing could dispose his predecessors to friendship toward Cromwell's government, "so long as their discipline was disarmed of its coercive power." Hist. iv. 72—80.

From the independents the protector selected several divines to be near his person; and others to fill important stations in the universities. This party is said to have regarded Cromwell as their head; but it has been justly remarked that he was "no more theirs than as he was averse to church power, and for a universal toleration." Soon after the civil war, the independents began to extend their churches from the metropolis to the various parts of the country. It was a little before the death of Cromwell that a meeting of ministers and delegates from the churches of this denomination was convened for the purpose of preparing a general declaration of the faith, and of the principles of ecclesiastical polity, by which they were distinguished. About a hundred ministers were present: the declaration of faith differed in words only from that of the assembly of divines at Westminster. This declaration, it was carefully stated, was not to become a matter "of imposition upon any," but to be used simply for the purpose of expressing what was generally believed by the party from which it proceeded. What the effect of these proceedings would have been, had the life of the protector been prolonged, or had his liberal policy toward religious parties been perpetuated, we can only conjecture. The Savoy assembly, though its delegates were summoned before the death of Cromwell, did not meet until after that event*.

We have before said that Cromwell's habits were characterised by economy, so far as appeared to him consistent with a due regard to the safety and credit of the nation; and it is a proof of the scruples he felt on the point of making a large use of the power which he possessed to raise money, that notwithstanding his economy at home, and the success of his policy abroad, his embarrassments were constantly returning; and the pressure of financial difficulty, which had led him to convene three parliaments, disposed him in the spring of 1658 to contemplate assembling a fourth. On that subject a committee was appointed to deliberate, and to make their report. When it is remembered that the last two parliaments had been abruptly dissolved, at the moment when their unfriendly proceedings with regard to the protector had so far multiplied the dangers around him as to make the course which he adopted necessary to his preservation, it may naturally be asked with what hope could he look forward to the meeting of any other assembly

* Savoy Declaration. It may be stated here that the word "independent" appears to have become the designation of this party, from the manner in which the term was used in a Latin work upon their principles, published by Robinson their founder some fifty years before this time, in which every separate body of christians is declared to be a complete church, receiving its authority immediately from Christ himself, and subsisting in consequence *independently* (*independenter*) of all other churches.

of that nature? It must be borne in mind, that when the last house of commons met, after Cromwell had given his negative to the proposition respecting the title of king, forty members, most confided in by the protector, had been called to seats in the upper house, and one hundred members were introduced who had been excluded by Cromwell and his council, and who might therefore be regarded as his personal enemies. Another election could hardly have returned a house so unfavourable; especially as the penetration and vigour with which Cromwell had baffled all the hostile projects formed against him; the success which attended the English arms in Flanders, and upon the seas; the importance attached to the friendship of England by the king of France, and by all the continental powers; the dismay spread by these occurrences among the enemies of the protector, and the greater admiration of his rare endowments called forth among his friends; and withal the natural anxiety of a majority in every party to see their long-disordered country placed once more under the protection of law and of regular government,—all these circumstances made it by no means impossible that a parliament might be assembled which should not prove unwilling to act with the present chief magistrate, and eventually to recognise him as the first of a new line of princes*.

But this experiment was not to be made. In the summer of 1658, Cromwell lost his eldest and favourite daughter, the lady Elizabeth Claypole; and her sufferings and death affected him exceedingly. During her illness he was constantly with her, and for many days abstained almost entirely from public business †. His own constitution at the same time afforded signs of rapid decay. But this was not before the midsummer of the present year, for during the previous six months he had shown as great energy as at any period of his life, and on the recent marriage of his youngest daughter to the eldest son of the earl of Warwick, his disposition to gaiety exceeded that of any person present on the occasion ‡. But it has been justly said, that the man who essays to

Death of
lady Claypole.

* Thurloe, viii. 71—176, *passim*. Burnet says (Own Times, book i.) that had the protector “lived out the next winter, as the debates were to have been brought on again, so it was generally thought he would have accepted of the offer of the crown.” Godwin, iv. *ubi supra*.

† Thurloe, vii. 177.

‡ The royalist writers say that lady Claypole's death was hastened by the conduct of her father, in allowing the life of Dr. Hewit, an episcopalian clergyman implicated in one of the royalist conspiracies, to be taken away. But it is certain that she spoke with gratitude and delight of the detection of that conspiracy, as having, in all probability, saved “the nation from blood, and her family from ruin.” Thurloe, vii. 171. It is further said, that during “the furious distractions of her disease,” lady Claypole upbraided her father, who watched her sufferings so tenderly, with his crimes, and that the sudden decline of Cromwell's own health resulted in a great degree from that circumstance. It is not impossible that her extreme sufferings may have led her to utter some such expressions: but Clarendon states that “nobody was near enough to hear them;” and what was thus left to conjecture cannot be thought worthy of any credit, especially if it be remembered that we

win a kingdom, and to rule it when won, has a very different task before him from that which devolves upon the individual who is born to sovereignty. The labours of Cromwell, both in council and in the field, were such, that though only in his sixtieth year, he may be said to have lived through many lives before that year arrived.

His first indisposition was from an attack of the gout, which, at his request, his physicians attempted to disperse, but much, it is supposed, to his injury. This was followed by a tertian ague of a severe description. Cromwell's first impression with regard to the issue of this malady was unfavourable; but he soon recovered his sanguine tone of feeling, and assured those about him that he knew God had heard his prayers, and those offered by others for him, and that he should be restored again to do good service for his country. He is said to have inquired of Doctor Godwin, the divine who attended him, whether the doctrine might be safely confided in which declared that a mind once in a state of grace can never finally fall from it. The preacher answered without hesitation in the affirmative, and Cromwell rejoined—"Then I am safe, for I am sure I was once in a state of grace." This inquiry seems to indicate a consciousness of religious declension; but, at the same time, is a sufficient proof of the sincerity with which Cromwell held those religious opinions which it was his practice to avow*. It has been said that Dr. Owen was in attendance as one of the court chaplains on that occasion, and as this statement is certainly incorrect, we naturally look with great suspicion on the absurd speeches which the same writers have put into the mouth of those who were really present†.

Cromwell's confidence of life at length gave way before the stronger symptoms of his malady; and he was overheard the night previous to his death in presenting the following prayer to the Almighty:—"Lord, I am a poor foolish creature; this people would have me live; they think it will be best for them, and that it will rebound much to thy glory. All the stir is about this. Others would fain have me die. Lord, pardon them, and pardon thy foolish people; forgive

learn from Clarendon, as well as from other sources, that it was one of the marked features of Cromwell's character, that he "never made the least show of remorse" for his actions,—and he certainly made no such show of it, as was thought by his enemies to be proportioned to his crimes. Clarendon describes Fauconberg as embittering the latter days of Cromwell by a secret leaning to the cause of the royalists; but compare this accusation with Fauconberg's letter in Thurloe, vii. 375. Nor does it appear that Cromwell's precautions against the hired or the fanatical assassins were connected with any considerable feeling of disquietude. Such feelings were excluded by his high natural courage, and by the light in which—whether from enlarged patriotism, or fanatical illusion—it is certain that he was accustomed to view his actions.

* Bishop Kennet (iii. 208) obtained this anecdote from a person who received it from the lips of Dr. Godwin; but we have no such authority for the mixture of popery and blasphemy which is put into the mouth of Godwin and his companion by several other writers. Bates, 234, 235. Thurloe, vii. 355. 364. Ludlow, ii. 150—152.

† Orme's Life of Owen, 242.

their sins, and do not forsake them ; but love, and bless them, and give them rest ; and bring them to a consistency, and give me rest, for Jesus Christ's sake, to whom, with thee and thy Holy Spirit be glory and praise for evermore. And now, Lord, forgive me the sins of this little foolish prayer of mine. I am a conqueror and more than a conqueror, through Jesus Christ who strengtheneth me*." Major Butler, who committed this prayer to writing as he listened to it, states, that after this the protector became restless and insensible, and continued in that state until three o'clock in the afternoon of the following day, when he expired.

Thus died Oliver Cromwell, a person whose name must ever hold a high place among those of extraordinary men. Of his character it is not a little difficult to form a just estimate, so blended were his good and evil qualities, so various and peculiar were the circumstances in which they were developed, and so long have they been presented to us in the language of exaggeration, sometimes as employed by his friends, or by persons inclined to dwell upon the wonderful, but more frequently as resorted to by prejudiced or ill-informed minds hostile to his memory.

Cromwell was lineally descended from the family of Thomas Cromwell, earl of Essex, and prime minister to Henry VIII. In the seventeenth year of his age we find him entered as a gentleman commoner of Sidney Sussex college, Cambridge. Four years later he married the eldest daughter of sir John Bouchier ; and if we except the short time during which he represented the borough of Huntingdon, his native town, in the parliament of 1628, the interval from his twentieth to his fortieth year was given to the duties of private life in that place, at St. Ives, and in the Isle of Ely. In the last two places he was employed in agricultural pursuits. During the whole of that period, his conduct in his family relations, appears to have been, as it always continued to be, highly exemplary and affectionate. The stories circulated concerning his early profligacy, though not without some foundation, were in a much greater degree the invention of his enemies, or mistakes resulting from a misconception of some puritanical modes of expression in which he was accustomed to indulge with regard to the sinfulness of his past life. In literature, to which he never made the slightest pretension, his attainments were not so contemptible, probably, as those of many who affected to sneer at his deficiencies in that respect. According to Waller the poet, who was his kinsman, he possessed a sound acquaintance with the historians of Greece and Rome ; and we learn from Whitelocke that he was capable of holding a discourse in Latin with the Swedish ambassador.

But there were times when he employed language to obscure rather than to express his meaning ; and others, in which his expressions were

* Kennet, iii. 208.

not wanting in clearness, but when they did not convey his real opinions. As he rose towards his ultimate supremacy, temptations to avail himself of such artifices multiplied; and when he deemed the end to be accomplished important, the principle necessary to resist the use of such means too frequently failed him—his policy in such cases being, to appear as though pushed forward by the parties whom he had been at much pains to win over to his views. No pressure of circumstances can justify an act of insincerity; but in estimating the character of Cromwell, it is necessary to consider the position in which he was placed, and the temptations to which he was exposed. Men actively engaged in public life, and taking the lead of political parties, are too apt to bring themselves to believe, even in quiet times, that the success of their party is necessary to the well-being of the state, and that the loss of their power would be the greatest calamity to their country; in a revolutionary period, when every political passion is excited to the highest degree, this tendency must be increased in a manner of which we, who live under a regular government, can have little conception. That Cromwell was really animated by those strong religious feelings which appeared at times to govern him, has not only been admitted by his enemies, but is obvious from the general complexion of his life; and men liable to the impulses of ardent feeling, whether having respect to religion or to other matters, have too frequently persuaded themselves that means, which they would otherwise have regarded as highly questionable, are both expedient and lawful considered in relation to the end which they propose to accomplish by them*. If, then, we condemn the insincerity to which Cromwell frequently descended, the manner in which he made use of parties and then deserted them, his severity toward the English royalists, his

* Dr. Harris has collected a series of historical testimonies on the old subject of Cromwell's hypocrisy, iii. 93—103. The declamation from Cowley, and from the tract entitled *Killing no Murder*, he might have omitted, as of small value. Nor do we attach much more credit to the invectives of Lord Hollis. The anecdote from Burnet, on the authority of sir Harbottle Grimstone, is deserving of more attention, but is so imperfect as to leave the degree of insincerity proved by it uncertain. The narrative respecting Cromwell's conduct toward cornet Joyce sets forth base dealing, but is liable to suspicion as being anonymous, and still more on account of the improbabilities, and gross misstatements, which are contained in it, though mixed up with particulars having the appearance of truth. Cromwell, for example, is made to belie himself in parliament at a time when it is certain he had retired from it to the army. The last witness adduced is Ludlow—a man whose cold nature, and narrow views, exposed him to great misconception with respect to the character of Cromwell, and led him, as an offended republican, to attribute the actions of his opponent to insincerity, more frequently and in a greater degree than was warranted by circumstances. "Some writers," says Dr. Lingard, "have maintained that Cromwell dissembled in religion as well as in politics;—this supposition is contradicted by the uniform tenor of his life."—xi. 362. The truth is, his religious fervour generally came to the aid of his political objects, making them appear as the biddings of Providence—and this dangerous habit of mind, to which he was himself subject, he could promote in others of a similar temperament so as to produce great effects.

participation in the death of the king, and his conduct in Ireland, we are bound to consider the temptations to which the circumstances in which he was placed exposed him, and the tendency of the peculiarities in his religious opinions and natural temperament, and then to reflect how many men there have been who, in a similar position, would have preserved an unblemished character.

The policy of Cromwell during the last ten years of his life was twofold—to prevent any one of the leading parties from becoming so far predominant as to be capable of oppressing the rest; and to bring them all—using his own language—to “a consistency,” or, in other words, to a settlement on the basis of mutual concession*. That no hand but his own could possibly conduct affairs to this issue was a conviction which the course of events naturally forced upon him; and as it became more and more evident that there was no room to hope for such a settlement without recognising a monarchical power, Cromwell laid claim to that power as properly his own.

This was his ambition—a passion which we do not find existing in him in a degree to be censured, until after the period when his attempt to place Charles I. on the throne exposed his own life to imminent hazard. At that point he might have resigned his commission, and have refused to imbrue his hands in the blood of his sovereign. But, in so doing, he would have left the army under no efficient control; Charles and the Presbyterians would probably have joined hands with success against it; and then the impeachments which the Presbyterian leaders had prepared against their great antagonist before he withdrew from the capital to the army, would no doubt have been resorted to for his destruction. Cromwell could not be insensible to these dangers, and he accordingly resolved not to relinquish the security to be derived from the army; and as that body had determined on the death of the king, he endeavoured to reconcile himself to that proceeding by giving the greatest weight to the arguments employed in its favour—arguments which not only satisfied most of those who were parties to the deed, but led many of them to glory in it as the most meritorious action of their lives. In Cromwell, enough of human infirmity will remain, even in this view, to prefer a large demand on our candour and forbearance; but, a fair attention being given to such considerations, the individual before us will be a very different person from the Cromwell commonly exhibited in our literature.

On the qualifications of Cromwell to sustain the high office to which he aspired, it has been said with much truth, though in a tone of

* Ludlow's one idea was, “That the nation should be governed by its own consent.” Cromwell replied, “I am as much for government by consent as any man; but where shall we find that consent? Amongst the Prelatical, Presbyterian, Independent, Anabaptist, or Levelling parties?”—Mem. ii. 117. To this question Ludlow had no satisfactory answer to return, and it pointed to a difficulty which overwhelmed his own party as soon as they began to deal with it.

eloquence that will perhaps be regarded as partaking somewhat of exaggeration, that he "possessed in an eminent degree, that masculine and full-grown robustness of mind, that equally diffused intellectual health, which, if our national partiality does not mislead us, has peculiarly characterised the great men of England. Never was any ruler so conspicuously born for sovereignty. The cup which has intoxicated almost all others sobered him. His spirit, restless from its buoyancy in a lower sphere, reposed in majestic placidity as soon as it had reached the level congenial to it. He had nothing in common with that large class of men who distinguished themselves in lower posts, and whose incapacity becomes obvious as soon as the public voice has summoned them to take the lead. Rapidly as his fortunes grew, his mind expanded more rapidly still. Insignificant as a private citizen, he was a great general,—he was a still greater prince. By the confession even of his enemies, he exhibited in his demeanour the simple and natural nobleness of a man neither ashamed of his origin, nor vain of his elevation,—of a man who had found his proper place in society, and who felt secure that he was competent to fill it. Easy, even to familiarity, where his own dignity was concerned; he was punctilious only for his country—and prepared to risk the chances of war to avenge the death of a private Englishman.

"No sovereign ever carried to the throne so large a portion of the best qualities of the middle order—so strong a sympathy with the feelings and interest of his people. He was sometimes driven to arbitrary measures, but he had a high, stout, honest English heart. Hence it was that he loved to surround his throne with such men as Hale and Blake. Hence it was that he allowed so large a share of political liberty to his subjects, and that even when an opposition dangerous to his power and to his person, almost compelled him to govern by the sword, he was still anxious to leave a germ from which, at a more favourable season, free institutions might spring. We firmly believe, that had not his second parliament commenced its debates by disputing his title, his government would have been as mild at home, as it was energetic and able abroad. His administration was glorious, but with no vulgar glory. It was not one of those periods of overstrained and convulsive exertions which necessarily produce debility and languor. It was natural, healthy, temperate. He placed England at the head of the Protestant interest, and in the first rank of Christian powers. He taught every nation to value her friendship and to dread her enmity. But he did not squander her resources in a vain attempt to invest her with that supremacy which no power, in the modern system of Europe, can safely affect, or can long retain*." We may add, that among his opponents in the field were many who had acquired celebrity in the

* Edinburgh Review, No. xlviii, 145, 146.

Swedish and German wars. But their followers became as stubble to his sword. No self-taught warrior ever rose so high above his contemporaries. Napoleon himself was not more in advance of his age, though receiving in his youth the best military education that his times afforded.

CHAPTER III.

Accession of Richard as Protector—Difficulties of his situation—A Parliament—Its proceedings—Divided state of the Army—Disagreement between the Army and the Parliament—Parliament dissolved—The long Parliament recalled—Conspiracies and Risings of the Royalists—Disputes renewed between the Army and the Parliament—The Parliament prevented from assembling by the military—Policy of General Monk—Perplexities of the committee of safety—Recall of the long Parliament—Monk arrives in London—Is employed against the city—Declares in its favour—The excluded members restored—Proceedings in Parliament—Conference between Monk and Sir John Granville concerning the restoration of the King—Condition attached to the King's promises—Meeting of the Convention Parliament—The Restoration—Reflections—Retrospect concerning the state of Manners, the Revenue, the Army, Commerce, Arts, and Literature.

WHEN men denounced Cromwell as an usurper, the substance of his defence was, that, to relinquish the reins of government, must be to allow them to pass into the hands of men who would not fail to use them so as to frustrate their own purposes, and to place the lives and fortunes of the individuals who had distinguished themselves as leaders in the popular cause at the mercy of the exiled Stuarts. How far the state of parties in the country was such as to justify this view of its affairs will appear in part from the contents of the present chapter.

Cromwell left two sons, Richard and Henry; the latter was at that time lord deputy of Ireland; the former was little known beyond the neighbourhood in which he resigned himself to the pursuits and gratifications of a private station. Henry, though young, had acquitted himself with much credit, both as a soldier, and in the high civil trust committed to him—his administration in Ireland being characterised by a degree of wisdom and mildness which promised to heal the wounds of that suffering country. Whether from policy, or from thinking meanly of his abilities, Cromwell had shown little attention to Richard previous to naming him on his death-bed as the second lord protector. He succeeded, however, to that dignity without opposition, and many addresses of condolence and congratulation were presented to him.

But the army soon showed signs of discontent. Richard was not a soldier; and it was not to such persons that he was naturally disposed to look as advisers. At the same time, the arrears due to the army were heavy; the trea-

Accession of
Richard.

Difficulties of
the new
Protector.

sury was exhausted; and the general demands upon the government greatly exceeded the ordinary revenue. Richard saw no means of providing for those claims except by assembling a parliament, and he probably regarded an assembly of that nature as the proper equipoise to be placed against the council of officers, who, during the last ten years, had been accustomed to look on the civil power as an authority properly belonging to themselves, or at least as a trust to be received from their hands, and to be exercised in accordance with their wishes. Fleetwood, the brother-in-law of Richard, had discovered both capacity and courage in the field, but rarely failed to betray hesitation and weakness in council, and was often misled by men of more shrewdness but less integrity than himself. It was the policy of such men at this juncture to foment in Fleetwood a jealousy of Richard and of the civil power, in order that the army, by being placed under his command, might be secured in a state of independence, and become an instrument which, through his medium, it would not be difficult to guide according to their pleasure.

The first proceeding with a view to this object was to present a petition to the new protector, which required that no officer should be obliged to resign his commission without a decision to that effect by a court-martial; and that the power of conferring commissions in the army should be entrusted to some person whose services had placed his fidelity to the public cause beyond suspicion. Richard, who could not fail to see the design of the petitioners, replied, that in the hope of satisfying them on such matters, he had given the command of the forces to general Fleetwood; but he was not prepared to go further—the resignation of his power with regard to the army, which was now sought from him, being contrary to one of the most explicit provisions in “the petition and advice.” This display of moderation and firmness served for a short time to check the presumption of the disaffected; but throughout the army in England, the majority, both officers and privates, appear to have participated in the feeling which the petition had expressed. The regiments in Scotland and Ireland were retained for the present in better allegiance*.

Such was the temper of the army in England when Richard issued A parliament, the writs to convene a parliament. By these writs, June 27.

many of the smaller boroughs which had been passed over by Cromwell in favour of the counties and larger towns, were required to send members—the smaller constituencies being regarded as most accessible to court influence; and a large proportion of members pledged to the support of the government were returned from those places. Such also was the character of the members returned for Ireland and Scotland, the course of proceeding in those nations being altogether subject to the direction of the military. Upon the whole, the

* Thurloe, vii. 406—511. Ludlow, ii. 169—175.

court obtained a small majority. Opposed to it was a party of republicans, not more than fifty in number, but formidable as consisting mostly of eloquent and practised disputants. The members distinct from these two classes formed a third party, under the name of "moderates"—persons who wished to be considered as undecided with respect to some of the great questions at issue, but who generally favoured the schemes of the royalists, and were sufficiently powerful to clog every proceeding which it suited their purpose to delay. The upper house, convened as a part of Cromwell's last parliament, was re-assembled.

After long and passionate debates in the commons on the authority that should be attached to the instrument called "the petition Its proceed- and advice;" concerning the fact of Richard's nomination to ing. succeed his father, and the expediency or justice of allowing any sort of negative voice on bills to a single person; the utmost that the court could extort in favour of the protector was, that a bill should be brought in to recognise his title, but with the understanding that no power should be conceded to him inconsistent with the liberties of the people. A similar fate awaited the question respecting the authority to be recognised in the upper house. Not more than half the members of the commons obeyed the summons of the protector to meet him in the house of lords at the opening of the parliament. The republicans spoke of a protector and an upper house as including the germ of the old system of tyranny; the royalists joined with them in affirming that the power to convene such an assembly had been granted personally to the late protector, and not to devolve by inheritance upon his successors; and many of the same party further maintained that the members for Scotland and Ireland should not be allowed to vote on that question, partly on the pretence that the matter did not affect their interests, and partly on account of the alleged illegality of their election. In the end, the other house was denied any claims of peerage, or negative voice, but was allowed to exist as a body to be convened, in whole or in part, at the pleasure of the protector, and with which the commons would not be unwilling to confer on the "business" of the state.

From these discussions relating to the great principles of the future government, the opposition members proceeded to subject the conduct of the late administration to a rigorous scrutiny. They dwelt upon the fact that the revenue had been raised to double its former amount without being equal to the expenditure, and upon various acts which they denounced as prodigal or dishonest, as illegal or oppressive. Thurloe, the secretary of state, was threatened with an impeachment, and alarm was spread among the military by the tone of the speeches which referred to the conduct of the major-generals, and by the commencement of proceedings against Boteler, one of their number. Among the petitions presented to the house was one which stated that seventy persons apprehended as engaged in the insurrection at Salisbury two

years before, comprehending divines, officers, and gentlemen, had been sold to the planters in Barbadoes for so many pounds of sugar, each "according to their working faculties," and were there treated in all respects more as beasts of burden than as human beings*.

The ultimate object of the parties who gave so much prominence to topics of this nature could not be at once ascertained, in consequence of the disagreements which were known to subsist among them, notwithstanding all these appearances of concord. But one thing was unquestionable,—such a course could not have sprung from any good feeling toward the government of the protector; and it manifested a resolute hostility against the supremacy lately possessed by the army.

From the decease of Oliver, this body had been divided into two factions. Beside the faction already mentioned—which hoped to accomplish its object by influencing the jealousy of Fleetwood, and which, from the place of its meeting, was called the party of Wallingford-house—there was a second, which met at Whitehall, the residence of the protector, and whose design was to support the pretensions of Richard with respect both to the parliament and the army. But a third party now made its appearance, consisting mostly of persons holding inferior commissions, who obeyed the secret influence of Lambert. This party fully agreed with the party of Wallingford-house in regarding the parliament as engaged in a covert war against military influence, but consisted, for the most part, of men who were prepared to oppose the measures of the "statesmen" with less scruple.

By this last body a general council of officers was established, in which it was voted that the command of the army should be entrusted to some person in whom the men who had bled for the cause of their country, and who were ready to brave any further hazard in defence of that cause, might place confidence; and it was also required that every officer should declare his approval of the recent conduct of the army, and particularly of the proceedings against the late Charles Stuart, or resign his commission. The commons came to a vote that meetings of this nature should not take place without the consent of the protector and the parliament; but the other house did not concur in this peremptory method of proceeding, some deeming it imprudent, and others because it was a measure affecting their character as military leaders. It was, however, agreed that the command of the army should reside in the three estates, the exercise of that power being intrusted to the chief magistrate.

This measure was sufficiently decisive to place the army and the parliament fully at issue. The officers called upon Richard without delay to dissolve the two houses, apprising him that if that act should not be at once performed by his

* Parl. Hist. iii. 1530—1543. Ludlow, ii. 156—168. Thurloe, vii. 603—647. Burton's Diary, iii., iv., *passim*.

authority, an appeal would be made to the sword, in which case the successor of Cromwell would find himself without either parliament or army to lean upon. Richard, listening to these treacherous promises of support from the army, dissolved the parliament. With that act his protectorate virtually closed*.

Suddenly deserted by his new friends, he saw them exercise the supremacy they had regained by calling back that vestige of a parliament which Oliver had expelled, and which, as being a mere fragment of the parliament assembled in 1640, had acquired the name of the "rump." The officers pledged themselves to support this assembly. But it was soon discovered that even this small knot of senators, though kept carefully select by a rigorous exclusion of the presbyterians who had been expelled by colonel Pride in 1648, and though about to bless the country with a constitution of a strictly republican complexion, were by no means disposed to suffer the existence of authority in the military independent of themselves. The army, not only in England, but in Scotland, Ireland, and Flanders, sent in its professions of allegiance to this new power with great apparent unanimity. But when the persons assembled at Westminster, and dignified by the name of the Parliament of England, though never a hundred in number, began to require that all officers should take out new commissions from the house, and to introduce important changes in the governing power of the army, manifestly with the intention of placing it in dependence on the authority of the state, it soon became obvious that the old contentions were about to be renewed†.

The parliament, assembled early in May, had proceeded thus far by the second week in June, when the secret proceedings of the royalists diverted the attention of both parties from the matters about to come into dispute between them. Charles Stuart received more general assurance of attachment to his cause from all parts of the country at this juncture than at any former period, and the most active exertions were made by himself and his partisans to facilitate his successful appearance in England. But the measures of the party were betrayed, as they had been in some previous instances, by Sir Richard Willis, a member of the secret council known among the initiated under the name of the "knot;" and as the day fixed for the rising approached, the frequent arrests, and other precautions on the part of the government, convinced the royalists that their plans were discovered. In every direction, the insurgents were either prevented from meeting at their places of rendezvous, or were suffered to assemble only that they might be encircled by their enemies, and counteracted

The long parliament recalled.

* Ludlow, ii, 169—178. Burton, iv. 448—484.

† Ludlow, ii. 179—214, 243, 282, 284. Parl. Hist. iii. 1546—1560. Whitelocke, 378—382. Journals, May, June, July, *passim*.

with the more speed and certainty. The rising in Cheshire was attended with a transient appearance of success, but melted away on the approach of Lambert. Charles and the Duke of York received intelligence of these disasters in time to prevent their embarkation*.

The army and the parliament having been thus occupied in providing against conspiracy and insurrection during somewhat more than two months, returned to the question affecting the future government of the country. The officers presented a petition in which they required that Fleetwood should be declared commander-in-chief, without the limitations attached to that office by the late vote of the house concerning it; that Lambert should be created major-general, as a fitting reward for his recent services; and that no officer should be deprived of his commission without the concurrence of a court-martial. It also urged that the future government should be in a house of representatives, and another house of a more permanent character. Hazlerig, with his usual asperity, endeavoured to rouse the passions of his colleagues against the petitioners, and he succeeded in bringing a majority to declare that compliance with the petition was needless, and would be attended with much expense and danger. In these proceedings the house was supported by the army in Scotland under Monk, by that in Ireland under Ludlow, and by a considerable portion of the force in England: thus encouraged, Hazlerig and his adherents summoned Fleetwood to resign his office, and to become one of seven members who should be vested with the chief command of the army, while Lambert, and the colonels Desborough, Barrow, Clarke, Berry, Cobbet, and Kelsey, were deprived of their commissions†.

Early next morning the immediate neighbourhood of the house was occupied by a body of military, pledged to protect the parliament; but Lambert and his followers took possession of the streets leading to St. Stephen's, to prevent the assembling of the members, and having stopped the carriage of the speaker, and conducted him back to Whitehall, left him there with an intimation that he would do well to return home. The rival detachments of military shrunk, as the crisis approached, from shedding the blood of each other. The first act of the council of officers on resuming their supremacy was, to declare all the measures of the late parliament obnoxious to them void, and a Committee of Safety was appointed to exercise the supreme power of the nation‡.

But at this point a man interposed whose subtle influence was

* Clarendon Papers, iii. 514—585, 643. Parl. Hist. iii. 1560, 1561. Old Parl. Hist. xxiii. 107. Ludlow, ii. 215—218, 220—225. Whitelocke, 682—684. Skinner's Life of General Monk, 107.

† Parl. Hist. iii. 1561—1568. Ludlow, ii. 227—235, 240, 243—248—Whitelocke, 685, 686.

‡ Whitelocke, 686, 687.

thrown into the scale of the vanquished members, and ultimately into that of the exiled Stuarts. This was general Monk, Policy of General Monk. whom we have had frequent occasion to mention as commander of the army in Scotland. When he began his march toward England, his letters encouraged the adherents of the parliament in their declared opposition to a military government*. But he at the same time called God to witness that the asserting of a commonwealth was the only intent of his heart. There were parts of his conduct, however, that did not accord with such professions. He was in consequence suspected by a few discerning men among all parties:—the royalists cherishing the impression of his secret conversion to their cause, but not without some misgiving; while the partisans of a civil commonwealth were too much pleased with his declarations, not to allow their hopes to prevail greatly over their fears. Partly on this account, and partly in consequence of the perplexing diversity of opinion concerning public affairs which was known to prevail in England, Monk was obliged to act in relation to all such matters in connexion with two military councils, the one consisting of commissioned officers without exception, the other of a selection from those who held the rank of colonel, made on the principle of their longer standing. Lambert marched at the head of a superior force to meet this mysterious and dangerous person; but Monk, whose jealousy of that officer was probably the mainspring of his conduct at this juncture, reduced his rival to a state of inactivity at Newcastle, by sending a deputation to the council in London, and contrived to protract the negotiation thus commenced, until his arrangements to obtain a large supply of money from Scotland were completed, and the treasure had come to his hand†.

In the mean time the people in the metropolis, and particularly the apprentices, demanded that a free parliament should be assembled, and the general exhortation was to pay no taxes until imposed by that authority. Open frays took place between the military and the populace, in which blood was shed, and grave conferences ensued between the city authorities and the officers. The committee of safety saw danger on every side. One member ventured to suggest that conditions of restoration should be sent to Charles Stuart. But it was rejoined, that however fair the promises of Charles Stuart might be, it was not to be expected that he could so far control his resentment as to prove faithful to them, and that ample excuse for infidelity in that respect would be too surely afforded by the interference of parliament. The discussion of a variety of expedients, ended in a resolution to convene a new parliament in the ensuing month ‡.

But the private soldiers now began to manifest considerable sym-

* Ludlow, ii. 242. Whitlocke, 688.

† Whitlocke, 688—690. Ludlow, ii. 260—268. Skinner, 141—175.

‡ Whitlocke, 691. Ludlow, ii. 290—292. Clarendon Papers, iii. 624. 625.

pathy with the citizens, and with the avowed objects of general Monk. Many of the officers who had been dismissed by the party at Wallingford-house, as persons not sufficiently favourable to the independence of the military, placed themselves at the head of the men who evinced this disposition to forsake their former leaders; and so rapidly did this feeling diffuse itself, that a large body proceeded from their place of rendezvous in Lincoln's-inn Fields, to the house of Lenthel, the speaker, which was in that neighbourhood, and saluted him with three volleys of musketry, in token of respect to him as the head of the parliament, and, in consequence, of the army. Two days later the rump parliament was restored, amidst every demonstration of joy on the part of the soldiery. Fleetwood, confounded by a course of affairs which his narrow vision had not suffered him to foresee, wept aloud, complained that God had forsaken him, and cast himself at the feet of the speaker to resign his commission*.

The members renewed their abjuration of royalty in stronger terms than ever, and having commanded Lambert, and several officers who had distinguished themselves in support of his plans, to retire to their houses, sent private instructions to the local magistrates to put them under arrest. Meanwhile, Fairfax, the late lord-general, who had now become a zealous royalist, joined himself to Monk at York, and much conference took place between them on the best means of restoring the exiled family. Monk still advised delay. He well knew, that neither the officers, nor the men under their command, were prepared to concur in such a measure; and he so far concealed his sentiments subsequent to his removal from York, as to allow a letter to be written by his military council in his name, declaring that the admission of the members to parliament, who had been excluded in 1648, would be dangerous, and that monarchy could not be again established. He saw enough, however, in the towns through which he passed to assure him that both those measures were much desired by the mass of the people, and that the only impediment in the way of his object was the uncertainty which seemed to mark the opinions and temper of the soldiery†.

On his arrival in London he received the thanks of the house for his services; in return he spoke of those services in slight terms, but ventured to suggest to the body before him the course it would do well to pursue. There was much in the state of Scotland and Ireland to require its attention, and great precaution should be exercised in the present position of affairs against cavaliers on the one hand, and fanatics on the other‡. To the new oath of abjuration he made objection, not because he disagreed with those who proposed it—he had given sufficient proof to the contrary, or would give more if re-

* Whitelock, 693. Ludlow, 320. Parl. Hist. iii. 1571.

† Skinner, 175—217. Ludlow, ii. 322—330.

‡ Parl. Hist. iii. 1575—1577.

quired—but because there were others liable to the same requisition who had been passed over, and because the exaction of such pledges, except in very urgent cases, was an evil that should on many accounts be avoided.

The republicans could hardly have listened to these excuses without suspicion, but they betrayed their apprehensions by their conduct more than by their language. The citizens, not ^{Is employed against the} satisfied with the mockery of a national representation, ^{city.} exhibited in the present parliament, called more earnestly than ever for another convened according to the fundamental laws; and they refused to pay their assessments until this demand should be complied with. Monk received a command to arrest some ten or twelve of the most considerable among them; and also to remove some chains, gates, and portcullises, in order that the populace might be less capable of defending themselves should they proceed to open revolt. But the temper displayed by the people, and the obstinacy with which his superiors reiterated their commands, led Monk to suspect that the employment imposed on him was intended to render him unpopular, and to prepare the way to his being deprived of his authority. The soldiers, who had performed the services assigned them amidst the groans and hisses of the people, shared in the dissatisfaction of their general; and a petition was suddenly presented to the house by the officers, which prayed that all persons who had been excluded by violence from their seats in that assembly, might be allowed to resume them preparatory to its dissolution, and to the calling of a new parliament.

Monk now saw that the moment had arrived in which to proceed one step further toward his ultimate object. He pre- ^{Declares in its} sented himself to the common council, and declared his ^{favour.} willingness to employ the force under his command in support of their objects. The citizens, who assailed him the day before with every expression of discontent, now received him with the loudest acclamations, and bonfires and the ringing of bells proclaimed the delight with which they witnessed the end of the rump parliament, and of what the commonwealth men had been used to describe as “the good old cause*.”

With the restoration of the secluded members, the Presbyterians resumed their ascendancy in the house. No reflecting ^{The excluded} man could look on that proceeding without perceiving that ^{members} the days of English republicanism were numbered. But ^{restored.} so far was the army from meaning to forward such a result, that Monk still regarded it as incumbent on him to profess publicly and privately, to royalists and anti-royalists, and often with oaths and imprecations, that he viewed the tranquillity of the country as dependent on the establishment of a commonwealth in the state, and of a moderate pres-

* Skinner, 223—270. Lingard, xi. 420—424.

byterianism in the church. The cavaliers were perfectly bewildered as they compared the actions of this arch-hypocrite with his professions.

But the presbyterian majority at Westminster proceeded to annul Proceedings in all the obnoxious decisions of the house since their own parliament. exclusion from its deliberations, and to introduce changes in the church and the state, and in the army and navy, with a freedom which betrayed no misgiving with regard to the continuance of their power. Monk was declared commander-in-chief of the army in the three nations. Many presbyterians, and episcopalian royalists, were released from prison ; presbyterianism was declared to be the established religion, and it was ordered that the league and covenant should be posted up in all churches. When the question of convening a new parliament came to be considered, it was urged by many that the upper house should be allowed to assemble, in order that so important a measure, by receiving the sanction of that body, might possess greater authority. But that course of proceeding was strongly opposed by the commander-in-chief, who stated that the army had been brought to signify its assent to the restoration of the excluded members with the greatest difficulty, and that nothing could retain it in subordination, if the house which claimed to be regarded as a house of peers, should be suffered to meet ; and, in fact, it demanded all his vigilance and address, as we may readily suppose, to lull the suspicions of a republican army, and to keep it in a state of acquiescence during the progress of measures so manifestly hostile to its intentions*.

It was not until the long parliament was dissolved, and the writs were issued to convene another, that Monk could be induced to renew the conference on the subject of the king's restoration which he had prematurely commenced during the late royalist insurrection. In the course of the interview which now took place between him and Sir John Granville, he made no secret of his earnest wish to see Charles II. upon the throne, or of his own readiness to employ himself in bringing about so desirable an event. His reward he left to the gratitude or the judgment of his sovereign. There were points, however, on which he ventured to offer his advice. His recommendations were such as did honour to his understanding, and did we not know that he was little influenced by such considerations, we might speak of them as creditable to his sense of justice and humanity. He advised that the arrears to the army should be promptly recognised and paid ; that all sales of property during the late troubles should be confirmed ; that a promise of indemnity should be published, from which very few offenders, if any, should be excepted ; and that liberty of conscience should become a law of the land.

* Ludlow, ii. 353—369. Parl. Hist. iii. 1582, 1583. Skinner, 271—289.

Charles, who knew not until now whether to regard Monk as a wavering friend or a formidable enemy, was transported with joy on receiving this communication from the lips of his messenger, and would at once have returned a simple and decided affirmative to all these proposals. But there were men about him who had been too long accustomed to the artifices of diplomacy, particularly Hyde; and in consequence of the influence exerted in that quarter the royal promises on the important points just stated were made to be binding no further than as they should be approved by the wisdom of parliament—a momentous condition, which was no doubt foreseen as rendering the word of the king just as nugatory as might suit the policy or the resentment of the court at a future day*.

Artful condition attached to the king's promises.

On the twenty-fourth of April Lambert was committed a second time to the Tower. He had recently escaped from confinement in that place, and resolved to make one desperate effort to restore the power of the army. But his followers proved to be few, dispirited, and treacherous, and the attempt only served to show that the soldiery as well as the people had become weary of change. The citizens mocked the major-general with expressions of exultation as they saw him reconducted to his prison. On the following day the new parliament assembled. The great majority of its members were either cavaliers or presbyterians, the latter being much the most numerous; and had they acted with a moderate share of concert and discernment, an influence might have been exerted by them on the approaching revolution, which would have made their name memorable among the benefactors of their country. As the commons proceeded in the usual preliminary business, the peers—first the presbyterians, and then the members of that body generally—began to assemble of their own accord.

Meeting of the convention of parliament.

Monk chose to avail himself, even to the last, of his powers of dissimulation. Granville was instructed to deliver the royal letters to him in the presence of others, so as to cause it to be believed that the lord-general himself was ignorant of their contents until they were opened. The packet presented was sealed with the royal arms, and contained letters addressed to the two houses, the army, the navy, and the common council of London. In these letters—known in history from their contents, under the name of the Declaration from Breda,—Charles gave the royal promise on the four points which had been suggested to him by the lord-general, but accompanied with the condition which made them void except as approved by the wisdom of parliament.

Continued duplicity of Monk.

* Skinner, 293—311. Clarendon, Hist. vii. 443—445. 451, 454. Papers, iii. 706—751.

The house received the overtures of the monarch in a fit of enthusiasm, and proceeded without delay to declare that the ancient laws and government, by king, lords, and commons, should be restored. So intoxicating was the delight with which the majority looked to the return of old institutions and of regular government, that Prynne and Hale appear to have stood almost alone, in recommending that some more definite settlement of the great questions which had been the occasion of so much convulsion and suffering should be attempted before the king's return. Monk contended that delay, and, above all, the discussion of such topics, would be fraught with inconceivable danger; and possessed effrontery enough to affirm, that, as the king had no force to bring with him, it would be as easy to treat with him on such matters after his arrival as before. This policy called forth the loud applause of the cavaliers, and no effort to bring reason back to the helm could be made with the least prospect of success. Charles landed at Dover on the twenty-fifth of May, and made his entrance into London four days later, amid loud acclamations and endless pageantries, much resembling those which had been attendant on the entrance of Cromwell into the same city after the battle of Worcester not many years before*.

The most instructive period in English history is the interval from 1640 to 1660. Its various occurrences, however, are found to suggest very different lessons according to the political bias of the persons who make them an object of attention. Individuals accustomed to look with apprehension on the more popular forms of government, appeal with an air of triumph to the irregularities and sufferings of those twenty years, as setting forth the frightful evils which must ever follow when the people are allowed to interfere in any material degree with the machinery of government. The populace, they say, always liable to be carried away in such circumstances by a contagious love of change, and a thirst of spoliation; and unchecked by any adequate view of the great maxims of social policy, or by any true sense of justice and honour, naturally proceed from one extravagance to another, until, having surrounded themselves with every kind of disorder, they, of necessity, prepare the way for the government of the sword, to be set up by the first adventurer who happens to become powerful enough to control the social chaos, and to secure the obedience of a distracted community by the comparative order of his own arbitrary administration. Thus the vast amount of good connected almost invariably with long-established institutions is destroyed, in an

* Skinner, 318, *et seq.* Parl. Hist. iv. 1—47. Whitelocke, 700—704.

attempt to remove certain smaller evils said to be connected with them, and society, after a long interval of confusion and suffering, falls back into a condition exposing it to far greater evils than the alleged grievances which were the cause or the pretext of so much commotion. The lesson deduced from the whole, accordingly, by these reasoners, is, that the politician should be concerned above all things to maintain a vigorous check upon popular feeling and pretension, if he would save society from anarchy, and from military despotism, always following in its train.

But, on the other hand, there are persons who see distinctions, and questions of great moral import, in cases of this nature, which are entirely overlooked in such general representations. We regard the great occurrences of this period, say these parties, as tending rather to show that popular disaffection and violence have their origin mainly in the imprudence and excess chargeable on the men whose disposition leads them to act upon the principles of arbitrary government; and as teaching, moreover, that to withhold from a people capable of attaching a proper value to the principles of liberty, the rational amount of freedom which they seek, until manifestly obliged to concede it, is not only to deprive concession of all grace, but to make the people sensible of their power to extort more, and to fill them with suspicions which must dispose them to exercise that power, in order to protect themselves against the new feeling of resentment which the successful prosecution of their claims is known to have produced. Thus, the liberties secured in the early days of the Long Parliament, as they were in no respect greater than the people of England were qualified to use with safety and advantage, were such as an enlightened and virtuous patriotism might well have demanded; but they were liberties wrung from the grasp of a monarch who betrayed the strongest inclination to seize upon them again at the first favourable moment; and all hope of amicable adjustment being thus at an end, the struggle became one for mastery more than for accommodation; and to the power from whose proceedings the contest derived that dangerous character must the evil which ensued be imputed. Thus we see in these results, that not to concede in time is to create the necessity for further concession; that in enlightened communities the great security against popular violence is to abstain from acts tending to justify popular indignation; and that it is as vain as it is unjust to expect that men should act with sobriety, when we have been conducting ourselves toward them in a manner which could hardly fail to goad them into excess.

We do not deny, continue these persons, that the evils and dangers of civil war are necessarily great in all conceivable circumstances. The more degraded the condition of subjects may be, the more would they be justified, so far as their wrongs are concerned, in rising up against the power of their rulers; but nothing can be more affecting to the good man than the issue in all ages of insurrections depending on sufferers of that description. Even where the parties meditating a revolt

consist of classes in a better condition, and better informed, there are many questions to be determined, before it can be declared with certainty that to resort to that extreme remedy would be wise; but where the prospect of success is decided, and the suffering likely to be attendant on the struggle is much less than the certain evils which it is intended to remove, such a course is not only justifiable, but must carry with it the sanction of whatever is humane in the designs of social policy, or in the injunctions of religion. Hence, when the adherents of the Long Parliament looked abroad upon the nations, and extended their view to past times, they saw that, if popular insubordination had slain its thousands, despotism had slain its tens of thousands, and they became persuaded that the point in our history had arrived when it behoved them to seek an increase of the happiness of their country by placing the power of the individual or the few under a greater restraint from that of the many. Nor were even the worst consequences of this magnanimous feeling such as to make the enterprise which it originated a proper subject for regret.

It is true, contrary to their designs, and even to their most distant apprehensions, many of the early parliamentarians lived to see the monarchy and the constitution itself swept wholly away, and the nation, broken into factions, fall under the power of the sword. But it was a nation whose character afforded good intimation that it would not be long governed by such means. It had seen the principles of popular government carried to such extremes as could not but discredit them with the unreflecting, and it seemed in consequence to have returned at the Restoration to the most frivolous superstition in regard to its ancient institutions. Nevertheless the people had grown prodigiously within the last twenty years in political knowledge; and, having exercised the vigour of their intellect on all the great questions of social right during that period, they might have been regarded by any sober mind, even at that juncture, as prepared to assert their claim to a system of rational liberty with moderation and effect, at no very distant day. It is to Pym, and Hampden, and their coadjutors, much more than to the men who became conspicuous some forty years later, that we owe the Revolution of 1688. The seeds of knowledge being once widely sown among a people, they may partake of a steady growth, notwithstanding the temporary ascendancies of arbitrary power, or of something nearly resembling anarchy—such varied movements and irregularities in connexion with governments, being not unfrequently a part of the discipline by which communities, like individuals, are taught to fix their approbation on those maxims of conduct which experience has shown to be most favourable to their tranquillity and general welfare, from being best adapted to their particular temperament and character. An enlightened people, animated by a love of liberty, may experience apparent failures in their efforts to obtain it, but their failures are such in appearance only, the

disaster of to-day being no other than a necessary preliminary to the success of to-morrow. These oscillations of parties and principles abound in our own history, but our course upon the whole has been one of steady advancement.

Such are the different lights in which the great contest during the reign of Charles I. has been viewed by the two leading parties in England for some generations past. Those who regard that struggle as assuming its more objectionable character, not so much from any love of change and spoliation incident to the people, as from the want of timely and amicable concessions on the part of their rulers, are naturally disposed to look with forbearance on a good deal in the temper and manners of the party deemed to have been least in the wrong. It is not to be doubted that the parliamentarians, particularly such as served in the army, were remarkable for the sobriety and regularity of their conduct. Profanity, drunkenness, debauchery of every description, may be said to have been unknown among them to a degree unparalleled in history; nor did they allow themselves to participate in any of those games or amusements which are the favourite relaxations of the people in most countries. Horse-racing, bear-baiting, the sport of the cock-pit, and the representations of the theatre, all were condemned. Instead of giving their leisure to such things, they sought their enjoyments in religious meetings, and in discussions on points of theology or civil government; and when such points were the matters contended for, whether by means of argument or of the sword, it became manifest that the roundhead, while despising the sensual riot of the cavalier, had a region of his own, where, in his turn, he became susceptible of the highest degree of excitement. As the difficulty of acquiring and maintaining this ascendancy of the mental over the physical sympathies of human nature must have been great, it was natural that it should be viewed with some feeling of pride; and it is not surprising that their enemies, obliged to acknowledge their freedom from the vices of the appetites, should accuse them of being much greater offenders than themselves in everything relating to the vices of the mind.

According to the cavalier, those habits of profane swearing, of drunkenness, and of sensual excess in all respects, by which not a few of his party studied to testify their abhorrence of all puritan grimace, and to proclaim their undoubted attachment to the church and the king, were only the vices of men—but spiritual pride, hypocrisy, rebellion, and tyranny, these were the vices of devils, and these were the chosen passions of his enemies. Nor is it to be doubted that the religious excitements of the period called forth a considerable portion of the sort of pride which is compounded, in various degrees, of fanaticism and republicanism; and that on the side of the parliamentarians this feeling produced nearly the same effects with those observable among the

royalists as the consequence of the pride of high-born association, disposing each party to look down upon the other with superlative scorn, and in most cases to abstain, as far as was possible, from all connexions and transactions with each other, whether by marriages or otherwise. Concerning the charge of insincerity it is more difficult to speak, inasmuch as, from its connexion with strong religious impressions, it would often be least suspected in the case of those persons who were most influenced by it. The suppression of all amusements considered as tending to produce dissoluteness among the populace, was a great object with the presbyterians, and led to some impolitic interferences with popular feeling. It was no uncommon thing to see players conducted through the streets of the metropolis in their theatrical costume, having been seized by the police while in the act of strutting their hour away upon the stage.

We have had occasion to note the manner in which the presbyterians and royalists obtained supplies of money during
 Revenue. the period of the civil war. When that contest was decided, four sources remained from which aids of this nature were derived—the customs, the excise, the monthly assessments, and the estates of political delinquents. The two former branches of revenue were farmed in 1657 at eleven hundred thousand pounds a-year, and with the monthly assessments made an income of somewhat more than two millions. The church lands and the estates of delinquents were rarely sold at more than ten-years' purchase. About two hundred thousand pounds a-year are supposed to have been obtained from these sources. During Richard's protectorate, the expenditure was declared to be above two million two hundred thousand pounds, the revenue falling short more three hundred thousand of that amount.

In 1652 the army of the commonwealth was not less than fifty thousand. Cromwell subsequently reduced the number nearly
 The army. one-half, but was obliged, on occasions, to increase it again. The general pay of the foot soldiers was a shilling a-day, the cavalry, as of a superior order, and liable to greater expense, received two shillings and sixpence. When the army consisted of forty thousand, which was the case in 1648, its pay was estimated at eighty thousand pounds a-month. Beside the regular force in the pay of the government, there were the volunteer corps, in every county, under the name of the militia. At the time of the battle of Worcester, the militia appears to have been nearly as numerous as the standing army, and both together are said to have numbered about eighty thousand men.

Commerce, which made considerable progress during the early part of the reign of Charles I. experienced some check from
 Commerce. the civil war, but assumed an importance under the commonwealth unknown in our previous history. This arose, principally, from the war carried on by the English republic with the Dutch,

and from the new navigation-laws. Families of pretension and long-standing began to direct the attention of their sons to commerce, and such pursuits became more reputable from that time in England than in any of the old monarchical states in Europe. The chartered companies, having derived their exclusive privileges from an exercise of the prerogative, which had often called forth the complaints of parliament, found their power of monopoly thus assigned to them of small value at this juncture, and the free competition which sprung up proved a great benefit to the community at large.

The fine arts obtained but small patronage during this period. Charles I. possessed considerable taste in architecture, furniture, pictures, and music, and had the circumstances of his reign The arts afforded him the means and the opportunities of bestowing encouragement on such pursuits, great advances would, no doubt, have been made in them. But the causes which prevented the indulgence of such tastes on the part of the monarch, tended to prevent the formation of them on the part of his people. Both were called to engage in a struggle for existence, and both deemed it necessary that all matters having respect only to the luxury and ornament of life should be placed for a while in abeyance. So far was this spirit carried under the commonwealth, that some of the royal palaces were put up to sale, and not a few of the pictures and curiosities which had been collected by the king, with much taste and judgment, and at great expense, were sold to foreigners. It is hardly possible that an Englishman should glance at this barbarian conduct on the part of men possessing the supreme power in his country less than two centuries ago, and not blush at the remembrance. It is in vain to say that these things were the baubles of royalty, and that this reason, beside the necessities of the government, concurred to make the disposal of them desirable,—since nothing could be a greater libel on republican institutions, or a more manifest untruth, than to describe them as repugnant to the splendour of national edifices, or to the most costly adornment of them by the aid of the fine arts.

But the feeling which consented to these acts of rude spoliation was not that of the nation, nor is it the only point to be considered in the character of the faction upon which this disgrace is certainly chargeable. In regard to the great interests of the community, their views were large and generous, and to the nature of the questions with which they were chiefly occupied, and to the earnestness and talent which they brought to the discussion of them, we have to attribute a marked improvement in the character of our literature.

In the literary character of the works on theology which belong to this period, the taste of the present age will find little to Literature. admire, and often much with which to be offended. But notwithstanding the tedious scholastic form in which divines continued to treat of the subjects within their province, and the frequent confusion

and obscurity of thought observable in their lengthened and parenthetical sentences, an increasing mastery of the language may be perceived even in such works, particularly in the smaller controversial pieces of the age, which were generally characterised by a natural directness and earnestness suited to the immediate occasion. Baxter is a favourable specimen of this class of writers. We do not advert to the eloquence of bishop Taylor, because his style, in whatever age he had lived, would have been more that of the man than of his times.

The fault mentioned as belonging to the theological literature of this period attaches, in a great degree, to its prose literature generally. We find, for example, both in Mrs. Hutchinson and in Clarendon, a crowd of thoughts pressed together into one long sentence, which an author of a later period, with less power, but more skilled in the art of composition, would have separated into small lucid apportionments, and by giving completeness to the parts, and presenting them in succession, would have communicated the whole more clearly, and with a much less demand on the reader's power of attention. But such indications of the adaptation of literature to the capacity of the many, belong to a period when it has become more an object of general attention than was the case in England previous to the Restoration. Writers of the class above mentioned were much more gratified than inconvenienced by a style which allowed of their dealing with thought in masses rather than in detail. They addressed themselves to a limited class, and it is evident that they anticipated something of the same calm power in their readers, which they had themselves found so much pleasure in putting forth. They moved the more slowly, in consequence of moving at every step amidst such a procession of ideas; but this stately march comported well with the expansion and vigour of their understanding. Such writers are fine examples of the majestic compass of our language in that age, but the best specimens of its lucid energy, and bounding capabilities, will be found in the smaller pieces called forth by the political strifes of the hour—productions in which the writers evidently intend to state their case with a clearness not to be mistaken, and with a force not to be resisted. Ludlow, though a soldier rather than an author, has less, perhaps, of the fault so observable in Clarendon, than any other considerable writer whose mind was formed during the period of the civil war.

But notwithstanding the frequent obscurity, from the cause mentioned, in the works of that period, and the weariness, in consequence, which is so often felt in reading them, they nearly all evince a singular degree of freedom from those pedantic allusions and studied conceits by which the literature of the age of Elizabeth and James had been so greatly disfigured. In this later period, every man was constrained to be more or less in earnest in regard to the great interests which were then at stake, and those who partook of this feeling so far as to express themselves on such matters in the senate or from the press, had neither time nor incli-

nation to indulge in affectations of speech ; nor would they have found either auditors or readers had it been their taste to pursue such a course. The matters of which men spoke and wrote were nearly all such as had become the subject of fierce and wide debate, and to their success in taking up such questions, it was necessary they should possess a sound acquaintance with them, and be capable of exhibiting them in a simple, obvious, energetic shape, so as at once to meet the general apprehension. Our language, accordingly, had never afforded such specimens of oratorical and argumentative efficiency as were produced during this period. Every man was anxious to understand the great points at issue, both in regard to religion, and general policy, and not less anxious to make converts to his views ; and in this manner both the mind and the language of the country became tasked to the uttermost. It is true a violence of temper was thus produced, which must have been unfavourable to a cultivation of the milder graces of literature ; but the intellectual faculties acquired discipline and force. The eloquence of strong partisan feeling will ever demand—as in the case of a Dante and a Milton—the loftiest forms of speech in which to express itself ; and our language, in consequence, began to display new freedom, copiousness, and power.

Cowley the poet flourished during this period, and died in 1667. Charles II., on hearing of his decease, said that England had not a better man ; and the testimony of contemporaries to his character is uniformly favourable, notwithstanding his known attachment to the court, and the spirit of faction which continued to prevail to the end of his days. He has been described as the last, or nearly the last, in our old school of metaphysical poets—writers in whom there were stronger indications of pedantry than of the inspiration proper to their art, and who often appear to have mistaken verses for poetry, and singularity for excellence. They were less fascinated by great thoughts, or tenderness of feeling, than by a show of learning, and the exercise of a subtle ingenuity in overlaying a subject with allusions of that nature, so as to suggest the conclusion that they had estimated the compass and vigour of their genius according to the remoteness from which they could bring their illustrations, and the adroitness with which they could insulate and ornament the parts of a subject, though at the hazard of preventing the impression that might have been made by the whole. They indulged much in the personification of the passions ; but the general effect of their works is to produce reflection rather than emotion, their strength consisting in an occasional acuteness and playfulness of imagination, much more than in force or pathos of sentiment. Cowley was distinguished from his predecessors by more of the latter quality, by greater sprightliness when the subject was of a nature to demand it, and by a more frequent command of those thoughts which strike at once by their grandeur or their propriety. In his versification he saw beauties which

his readers have not often been able to discover; and his diction, though selected by a mind enriched with much general knowledge and discernment, is often singularly inappropriate. Suckling and Cleveland were contemporaries and imitators of Cowley, but did not disturb his sovereignty as the fashionable poet of his day.

Denham was three years older than Cowley, and his elegy on the death of that writer was his last performance. His "Cooper's Hill," on which his fame principally rests, was published in 1643. Its subject, which was in a great degree a novelty in our literature, embraces a description of natural scenery, elevated by historical allusions, and reflections on human character. Pope commends the strength and majesty of this author, and he is generally regarded as one of the fathers of English poetry. His versification, in its smoothness, vigour, and harmony, makes a near approach to that which has been since made familiar to us by the pen of Dryden, and his successors.

Waller, who was contemporary with Cowley and Denham, survived them both. He is entitled to much of the praise bestowed on Denham. But though he discovers a similar independence of the old models, and even more refinement, his works have little of that compressed power of expression which characterised the Cooper's Hill. His feelings never soar into sublimity, and rarely melt into tenderness, but are of that gay, equal, elegant description, which pervaded those higher classes of the community with whom the poet passed his days. The polished dress, however, in which he clothed conceptions little removed from commonplace, possessed the charm of novelty in his own age, and must be allowed to secure the name of Waller a conspicuous place in the history of English literature.

Concerning the genius of Milton, and the dignity conferred by him on his native tongue, and on the mind of his country, there is now little need to expatiate. Critics who know not how to pardon his republicanism, have in general extended their enmity to the character of the man, and the productions of the author. But when every fair concession shall have been made with regard to the imperfections of his temper and his writings, the excellence which remains will be found to place him so far above his assailants, as to render their puny efforts to lower his pretensions a matter more calculated to amuse than irritate the friends of his memory. His attainments as a classical scholar were extensive and profound. In Latin composition he had scarcely a rival. Every European language possessing a literature to recommend it was known to him; and few divines possessed the same intimate acquaintance with the Hebrew scriptures and all Rabbinical learning. Indications of these various acquisitions break upon us in almost every page of his works, imparting to his style a grace, a comprehensiveness, and a wonderful power, which must be perceived and felt in the greatest degree by those who have studied him the most. It is true, in his prose works

we are never allowed to forget that it is the prose of a poet, and some critics, whom the stars never destined to be poets, affect to regret that the author's taste with regard to the style proper to performances of that nature should have been so defective and erroneous. But the man who can read the *Areopagitica*, or the *Iconoclastes*, and not feel a strange awe produced within him by the surpassing greatness of the spirit which has been in converse with his own, so as to be charmed out of all wish that the author had spoken otherwise than he has done, must be a person incapable of sympathising with great eloquence and lofty argument. His style, indeed, in those works is not to be recommended as a model. On the contrary, an attempt to imitate it must betray a want of judgment incompatible with real excellence in anything. It is a sort of costume, which, like that assumed by Jeremy Taylor, must always be peculiar to the individual, and can never become the badge of a class. Modes of expression and illustration which with such men have all the freshness and vigour of nature, become cold and feeble, or, at best, inflated by an artificial warmth, when produced by the mechanic process of the imitator.

In his poetry, the mind of Milton is found open to all the beauties and sublimities of nature, and seems to pourtray with equal truth the good and evil of the rational universe—the heavens above, and hell beneath. That upon a theme so difficult and so comprehensive, and prosecuted to so great an extent, he should sometimes fail, was perhaps inevitable. But if something less than one-third of the *Paradise Lost* be excepted, the remainder may be safely declared to consist of such poetry as the world had never before seen. In his happier moments, his descriptions of physical existence are the most perfect supplied by human language; but it is when employed in exhibiting the moral energies of the perfect or the fallen, that he rises most above all who preceded him.

Harrington's *Oceana*, a work designed to set forth the image of a perfect republic, is the production of a man of genius, but its style is deficient in ease, and moves heavily. That of Hobbes, the philosopher of Malmsbury, who wrote at the same time, is remarkable for its perspicuity and correctness, and no doubt contributed to the measure of success which attended his ill-directed labours. The great design of this author was to recommend the establishment of a civil despotism, and, in the course of the reasoning to which he resorted in support of this object, he found it expedient to sacrifice the principles both of religion and morality—setting forth the former as nothing more than an instrument to be used at pleasure by the magistrate, and the latter as a science treating of distinctions between right and wrong, which in reality had no existence. Into these vicious absurdities this writer had been led, in part by the circumstances of the times, but still more by a vain love of eccentricity and paradox. During more than one generation

the great business of English ecclesiastics seemed to be to write against Hobbism, not indeed from any strong opposition to his slavish principles in politics, so much as from alarm on account of his hostility to the received opinions upon religion and the duties of life. It has been frequently adverted to as remarkable, that Hobbes, with so different an object in view, assumes, as the foundation of his reasoning, the very position which is taken by Locke—that is, the equal rights of all men in a state of nature. Part of these rights, he maintained, must be surrendered, in order that the remainder may be placed under the protection of a regular government; and as such a surrender is necessary to the existence of government, so a strictly passive obedience to government when established is no less necessary, if it is to operate fully to the end proposed.

From the principles of such a writer it is pleasing to pass to those of Clarendon, much as that historian and statesman had to learn even to the end of his career. We have had occasion to notice his gradual declension from the comparatively liberal principles avowed by him in early life, and have remarked on one very general imperfection of his style. But the tendency of his great work, if compared with the writings of Hobbes, is highly favourable to religion and freedom; and the knowledge of human nature, and the powers of description evinced by him in those delineations of character which are so frequent in his volumes, must always make his name prominent in the history of our national literature. His literary merit, however, is not the only light in which he must be viewed. As an historian he is to be read with caution on all occasions, particularly when reporting matters which he must have learnt from others; and it should be remembered that the prejudices which dispose him so frequently to soften and suppress, or to do the contrary, in matters of fact, are never more active with him than when employed in colouring his elaborate portraitures of the leading men, and of the great parties of his times.

Harvey, whose discovery with respect to the circulation of the blood effected so great a revolution in medical science, died in 1657. He was much encouraged in his experiments and studies by Charles the First. But it was remarked that no physician in Europe, who had reached forty years of age when Harvey's discovery was made public, was known to adopt it. His maintaining it is even said to have diminished his own practice and celebrity. So general is the force of prejudice even on matters of the most practical nature, and so liable is it to become fixed beyond all hope of removal after a certain period of life!

CHARLES THE SECOND.

CHAPTER I.

Addresses from the Lords and Commons to the King at Whitehall—Character of the King, and of the Council—Proceedings in Parliament—Punishment of Delinquents, Act of Indemnity, the Regicides—Sir Harry Vane and General Lambert—Adjustment of Property—Settlement of the Revenue—Disbanding the Army—Ecclesiastical Affairs—Policy of the Court—Negotiations between the Presbyterians and the Bishops—Debate in the Commons—the King's Declaration.

CHARLES made his public entry into London on the twenty-ninth of May, and the same day received addresses from the two houses in Whitehall. The address of the lords was delivered by the earl of Manchester, that of the commons by sir Harbottle Grimstone. The language of the former was moderate and judicious, if we bear in mind the state of public feeling, though it did not fail to describe "the Great King! and Dread Sovereign!" as the "strength and stay of the tribes of the people, and the restorer of the collapsed honours of these nations." But Grimstone, who had distinguished himself in the Long Parliament during the early part of its history, spoke in a higher strain, so as to remind us forcibly of the mixture of conceit and extravagance in which the courtiers of James the First were accustomed to indulge on such occasions. Had he been capable of appropriating to himself all the wisdom and eloquence of the species, his ability, he observed, would not have been equal to the full discharge of the duty which devolved upon him. The substance of the address was, that the conduct of his majesty, "in the school of affliction," had been such as to entitle him to higher honours than those of a Roman triumph, and to a more splendid crown than the piety of the ancient church had awarded to its army of martyrs. In conclusion, the monarch was entreated to set up his throne in the hearts of his people; and, as he was deservedly "the king of hearts," there to receive from his people "a crown of hearts." Sir, continued the orator, "this crown hath three excellent and rare properties; it is a sweet crown, it is a fast crown, and it is a lasting crown;—it is a sweet crown, for it is perfumed with nothing but the incense of prayers and praises; it is a fast crown, for it is set upon your royal head by Him who only hath the power of hearts, the King of kings; and it is a lasting crown; your majesty can never wear it out, for the longer you wear this crown, the better will it be for the wearing."

But a new generation was now about to appear in connexion with

public affairs, and one little disposed to admire far-fetched nonsense of this description. It may be some atonement for such language, that it was employed on this occasion in urging upon the king the propriety of expressing his royal assent to the Petition of Right. The commons, that they might present that valuable enactment to the approval of the monarch in their first audience, had been careful to confirm it by a distinct resolution in the previous part of the day*. In fact, there was much less insincerity in the language above cited than may be at first supposed,—so extravagant were the encomiums on the virtues of the monarch that were circulated through the kingdom by those who had been most active in preparing the way for his restoration. Many fully believed the reports of this nature, and aided in giving them currency accordingly; and those who were better informed, were disposed to look upon the future, under the influence of their hopes, rather than of their fears.

Charles was now in his thirtieth year, and it soon became manifest that his character was of such a complexion, and so thoroughly formed, as to afford small promise of the felicity so generally expected from his accession to the throne of his ancestors. In consequence of the unsettled circumstances of his early life, his education had been imperfectly conducted, and he never discovered the slightest disposition to supply its deficiencies by study or reading. But his judgment was naturally good, his manners were pleasing, and his appearance, on the whole, dignified and agreeable. An intimate acquaintance with all the varieties of life, which he had acquired during his exile, enabled him to adapt his notices of persons to their particular tastes or condition, with so much felicity as to fascinate all who approached him. But the individuals in whom this mode of address served to raise much hope, were not long in discovering that the same apparently marked tone of recognition had been conferred on multitudes besides, and, expectation being followed by disappointment, admiration of his majesty's condescension and cordiality, soon gave place to distrust of his sincerity. It must be added, also, that the suspicion, in this case, proved, in the issue, to be much more justifiable than the confidence which had preceded it. The duplicity of Charles II. indulged with less necessity than in the case of his father, and with more discernment than in the case of his grandfather, was deeply fixed and habitual; though, it should be remarked, that it was not accompanied in his instance with the aggravation of high religious pretension. With regard to religion, the new monarch, so far as he may be said to have had any formed opinion on the subject, was a catholic, partly, we may believe, from a disgust of protestantism, as it had been forced upon him while in Scotland; but principally from the greater convenience of the

* Parl. Hist. iv. 54—58.

rival creed to one so impatient of thought, and so completely governed by a love of ease, and an appetite for pleasure. On that subject, as well as on every other, his conclusions were the result of temperament and circumstances, influenced in some degree by a faculty of observation, which was restless and acute rather than disciplined or comprehensive. In politics, it was his fixed sentiment that the king whose ministers are liable to be controlled and impeached by a parliament, can be such in name only. The government, accordingly, to which he would have had all others conformed, was the splendid and luxurious despotism exhibited at that time in France; and it is well known that his frequent observation in favour of the catholic religion was, that no other system tended so certainly to secure an unreserved obedience to the priest, and, as the consequence, an absolute subjection to the magistrate. But the setting up of such a government in England, if at all possible, was an object which no prince could have realised except by means of severe and protracted self-denial, aided by the highest order of talent. Charles, accordingly, was content to govern, in the main, constitutionally, not that he preferred it, but that it was the course which imposed the least trouble. Business, or exertion of any kind apart from his pleasures, was his abhorrence. Few things were more agreeable to him than to saunter from place to place, without any apparent object. He was an almost incessant talker, and exceedingly fond of anecdotes, which he drew with ease from a tenacious memory, and related with effect. In this last propensity he indulged, influenced by early association, with more frequency than became a king, and sometimes with "broad allusions," which shocked the little sense of decency retained among the persons generally about him. In the spirit of the Epicurean sect, he regulated exercise and the pleasures of the table, with a view to other pleasures; but in the choice of his mistresses, in his conduct toward them, and in the manner in which he suffered them to conduct themselves toward him, we have the picture of mere sexual attachment, with scarcely the least indication of those sentiments which often confer upon it a species of grace and dignity even in such connexions. His favourite women were known to be no more faithful to him than he was to them; and so insensible did he become, through long habit, to the value of an apparent regard to propriety in such matters, that he could leave the apartments of his mistresses to kneel at the altar, and was in no way disturbed by its being known that persons who obtained his favour were generally indebted for it to the influence of females who stood in such relationship to him. It may, we think, be safely affirmed, that Charles II. had no faith in the chastity of women, or in virtue of any kind among men. Human nature was, in his view, a mass of selfishness. All who were about him were believed to be governed by feelings of that nature, varying much, it may be, in their modifications, but alike in their substance. Hence he never felt the weight of an obligation, and was

scarcely susceptible of gratitude. The vices of his career in this country began with the first night of his arrival in its capital; and nearly all writers agree, with bishop Burnet, in speaking of "the mad range of pleasure" to which he abandoned himself immediately on his accession, as the main cause of those embarrassments and disgraces which attended him to the close of his reign. We sometimes hear, indeed, of the "good nature" of this monarch; but we suspect that his clemency toward his enemies often proceeded from the same cause with his neglect of his friends—a consciousness that to pursue a different course would require forethought, and occasion necessity for exertion. The man whose great concern is to dwell at ease will accept of peace on almost any terms. Charles was too shrewd a person not to know that it is wise to conciliate enemies, when you are not prepared to incur the expenditure of time and effort necessary to watch their movements, and to provide against them. As some extenuation of his degrading views concerning human nature, and of the kind of life to which he surrendered himself, we are required to bear in mind his experience of the selfishness of mankind during his exile, and the peculiar circumstances of his situation at the Restoration, when he became the object of so much interested adulation on the one hand, and the witness of so much low craving and contention between rival parties on the other. But it would not be difficult to show that the picture which thus passed before the view of this monarch, both during his exile and after his restoration, was not more remarkable as disclosing the less honourable points of human nature, than as demonstrating its susceptibility of the highest sentiments both of virtue and religion. The better class of his admirers had manifestly concluded that the discipline of his early days *must* have taught him wisdom, and their bitter disappointment was, in finding a polished, clever, light-hearted sensualist, and a mocker at all pretension to piety or principle, in the place of the devout, intelligent, and magnanimous prince who had been present to the eye of their fond imagination. In short, unless we elevate the politeness, and the facility of temper, which distinguished this "great king and dread sovereign," into the rank of virtues, the only quality of that nature we can attribute to him was his affection for his children and for others related to him by the ties of blood. We hesitate to speak of his kindness toward his mistresses as entitled to such a designation, though, as evinced by him in his solicitude for their future comfort on his death-bed, it must be regarded as having some connexion with gratitude and disinterestedness*.

* Burnet's History of his own Time, i. 93, 94. Oxford. Second edition. Character of Charles II. by the Marquis of Halifax. Reresby's Memoirs; and Pepys' Diary, *passim*. The following character of this monarch is from a note on Burnet, by Speaker Onslow:—"Charles had neither conscience, religion, honour, or justice, and he does not seem to have had even the feelings of them. He had no one truly public aim, as such, in the whole course of his reign. All he meant

From these observations on the character of the king, the reader will in some degree anticipate the complexion of the future government, and the general course of affairs. The selection of persons to constitute the new council was attributed to the policy of Clarendon, who became its leader, and lord-chancellor. His immediate associates were the duke of Ormond, the earl of Southampton, sir Edward Nicholas, and lord Colepepper, all of whom had long been the companions or confidants of the king, and were bound to each other by their sufferings in the same cause. The council.

The character of Nicholas and of Southampton and Colepepper have already come under review. Ormond was a chivalrous royalist; not disposed to promote any alarming inroad on the constitution, and as little capable of any strong or steady effort in its favour, when the danger which threatened it proceeded from the throne. He was an accomplished courtier, distinguished by a graceful person, ready wit, and great cheerfulness of temper. By his general observance of the forms of religion, and his conduct during his long connexion with the affairs of Ireland, he acquired the reputation of being sincerely attached to the protestant interest. Though his abilities were not of a commanding description, he was capable of efficient public service. His principal fault was in his too great devotion to the will of the king, which led him to act, in some instances, in opposition to his own better judgment and more honourable feelings. On the whole, few men in the age of Charles II. possessed so large an amount of public virtue, and still fewer were exposed to the influence of the corruption of the times with so little injury.

Concerning the lord-chancellor himself, it is not easy to speak correctly and with fairness, without doing so at much length. His excellencies and defects were never so well known as at present, and those who regard his faults as outweighed by his virtues, must acknowledge the former to have been many and considerable. Nothing could be more solemn than his professions with regard to points of morality, and scarcely anything more uncertain than his strict adherence to its laws in the management of any matter connected with his prejudices. His religion is matter of frequent, and, in appearance, of very devout allusion; but in practice, it is found to consist of little more than a hatred of sects, indulged, very often, at the manifest cost of truth and justice. Such was his extraordinary self-complacency, that practices which he would have denounced as unpardonable, if resorted to by an opponent,

and sought, for which he tumbled and tossed from side to side, from one minister to another, and for which he was continually cheating his people, was to enjoy a lazy, thoughtless ease, in the constant debauchery of amours, and in the pleasures of wit and laughter, with the most worthless, vicious, abandoned set of men that even that age afforded, and who often made him the subject of their jokes and mirth, sometimes to his face. He was corrupted in France, and had all the pleasantries and vices of his grandfather, Henry the Fourth, but not one of his virtues. Charles made the times here to be profligate; and, instead of ministers spoiling him, he spoiled most of his ministers, and did not love those whom he could not spoil."

are minutely described, when occurring in his own case, as so much virtuous example. With regard to patriotism, it must not be said that he was destitute of it, but it is certain that the loyalty which took possession of his mind on the approach of the civil war, was such as to leave but a very subordinate space to its influence. His conduct toward the protestant nonconformists, as we shall have occasion to show, was a lamentable exhibition of insincerity and cruelty, such as men rarely evince, except when under the influence of that species of fanaticism which fails to distinguish between an opponent and an enemy, and which throws so much illusion about the end, as to call off attention from the moral character of the means employed to attain it.

With the persons already named as included in the new council, Clarendon procured the appointment of others whose elevation was viewed with less satisfaction by the old royalists. They made no complaint on seeing Monk raised to that dignity, as duke of Albemarle; with Clarges, his kinsman; and Morrice, who had been his confidant in the critical negotiations which preceded the return of the king. There was little, indeed, in the character of these persons to make them formidable competitors. Monk, profound dissembler as he had been, proved to be a person of no great sagacity in general affairs. It was matter of perplexity to him that Morrice should not have been deemed competent to the office of secretary of state, seeing that he could speak French and write short-hand. Clarges became a frequent speaker in the commons, and, as his favourite topic was economy in the public expenditure, he acquired some popularity; but he was one of that class of patriots who discover greater aptitude to enrich themselves, than to regulate the affairs of a nation. The new council, however, was not accessible to such persons only. The expectant cavaliers saw a different class of men in the earl of Manchester and lord Say; in Annesley, created earl of Anglesey; in Denzil Hollis, now lord Hollis; and in sir Ashley Cooper, now lord Ashley, more known by his subsequent title as earl of Shaftsbury; all of whom had the same honour conferred upon them.

Manchester, it will be remembered, drew his sword on the side of the parliament, but took no part in public affairs after the passing of the self-denying ordinance. He was a presbyterian, and had been active in promoting the restoration of the monarchy, confiding in the assurances of his episcopalian allies when they declared themselves anxious to see the questions which had separated the well-meaning of different parties from each other amicably settled. The views of lord Say, who had shared in the dissatisfaction felt by Manchester, and withdrawn himself from public life many years since, were of the same moderate complexion. Anglesey was an expert lawyer, well versed in questions relative to the constitution; but, according to Burnet, was a public functionary always ready to sell his services to the highest bidder, and, from becoming the

tool, lived to find himself the contempt, of all parties. Hollis had been the leader of the presbyterians in the Long Parliament, until the crisis which turned the scale in favour of the independents. He then left England, and became one of the most restless and violent opponents of the existing government until the Restoration. Shaftesbury had been devoted successively to the king, the parliament, and the protector, and, in the prospect of Charles Stuart's return, was among the earliest to pay his homage to the rising sun. He was a person whose abilities were sufficient to have rendered him powerful, had his character possessed the requisite weight and stability. The accuracy with which he formed his judgment concerning the characters of the persons about him was the frequent astonishment of those who knew him. His powers in debate were of a high order, and he was capable of devising bold and shrewd expedients in almost any posture of affairs. But the spirit with which his plans were conceived, soon faltered as they came to be acted upon; and his want of that degree of perseverance which is so commonly necessary to success, was not more to his disadvantage than his want of the fixed principle which is so requisite to gain the confidence of mankind. Accordingly, he was one of those persons who are more to be feared in public affairs on account of what they impede or spoil, than in consequence of any positive or extensive evil which they are likely to accomplish. The distinction conferred on him at this time, was the effect, in part, of his friendship with Monk, and in part of his relation to Southampton, whose niece he had married. His personal qualities, however, were such as could not fail to make him eminently agreeable at the court of Charles II., where great talents were but too frequently devoted to the advancement of petty interests, and the gratification of mean passions.

Clarendon, it is said, persuaded the king that his ease and security would be materially consulted by admitting the persons above mentioned to his councils; and it is certain that if there was any danger to be avoided by such a course of proceeding, the only evil to be feared from it was some feeling of jealousy among the less considerate cavaliers. There was no room to doubt the complete subserviency of Anglesey and Shaftesbury. Manchester, always moderate, had become much more so with advancing age, and by the experience of recent events. Say, if more fixed in his political views than Manchester, and of a less yielding temper, was a person who had rendered himself so obnoxious to the royalists during the early part of the struggle between Charles I. and the parliament, as to make it highly inexpedient that he should commit himself strongly in opposition to that party in the new position of affairs, and his conduct, in fact, for some time past, had afforded a sufficient pledge of his moderate policy in future. Hollis, governed by animosity against the memory of Cromwell, and a dislike to sectaries and republicans, was prepared to submit to not a little arbitrary power

in an opposite direction. In this spirit, he assured the king, when addressing him at Breda in behalf of the parliament and people of England, that he was "the light of their eyes, the breath of their nostrils, their delight, and all their hope*." But moderate as were the efforts which such persons were likely to make in favour of good government, it was deemed expedient that a secret cabinet should be formed, consisting of persons known to be most devoted to the will of the king, with whom it should rest to entertain and shape all public measures in the first instance, discouraging the introduction of any matter at the meetings of the council which had not been subject to their previous scrutiny, and reducing the sanction obtained from that quarter to little more than a matter of form. The "secret committee," which, under the notion of attending "to foreign affairs," was permitted, in this manner, to regulate all public questions, consisted of lord Clarendon, the marquis of Ormond, the earl of Southampton, the duke of Albemarle, and the two secretaries of state, Nicholas and Morrice †.

The parliament now assembled had been convened without the aid of the king's writ, and to provide against the inconvenience which might arise from that informality, the lords and commons passed a bill which declared the last parliament dissolved, and the two houses now sitting to be the parliament of England. This act received the royal assent, and was confirmed by another in the parliament which was assembled in the following year. This preliminary matter being settled, the attention of the two houses was called to others in the adjustment of which the different parties through the kingdom were deeply interested.

Charles, in his declaration from Breda, put forth as expressing his intentions should he be restored to the throne, had pledged himself to pardon all offenders during the late troubles, saving those only who should be excepted by parliament. In pursuance of this declaration, a proclamation was issued a few days after his landing, which called upon the judges of the late king to surrender themselves within a given time, on pain of being excluded from the proposed indemnity. The manner in which the question of these exceptions was discussed in both houses, particularly in the lords, betrayed the influence of much personal feeling. The number of those who should forfeit life and estate was limited by the commons to seven. They afterwards proceeded from the case of those who sat in judgment on the late king, to others who were less immediately concerned in that transaction; and twenty persons were named on this ground to suffer various penalties short of death. In conclusion, it was determined that no favour should be extended to such of the regicides as had not surrendered themselves. But the peers

* Burnet, i. 94—99. Parl. Hist., iv. 36. Clarendon's Life, and Ralph's History of England during the Reigns of Charles II. and James II.

† Continuation of the Life of Clarendon, 3, 4, 12—19. 24—27.

described these proceedings on the part of the commons as a misplaced clemency, and, having suffered more than the lower house during the late disorders, they seemed to have resolved on obtaining a more ample revenge. Thus they would not only have condemned the regicides who had not surrendered themselves, but would have assigned to the same fate the nineteen who had done so confiding in the promise of mercy held out in the royal proclamation, that promise being explained by their lordships as meaning nothing more than the justice of a fair trial. Beyond all this, it was agreed that capital punishment should be inflicted on every man who had sat in judgment on a royalist in any court of justice. They excepted also five persons by name, though not regicides, and, to crown the whole, proposed to the relatives of Hamilton, Holland, Capel, and Derby, peers who had been executed during the commonwealth, that they should each name a culprit in a list presented to them, whose blood should be shed as some compensation for the murder of their lamented kinsmen. In three instances out of the four a man was named, and the execution followed.

The commons, however, continued to evince more humanity, and a wiser sense of justice. Still, the compromise, which, after the space of three months, was agreed upon, left fifty-one persons concerned in the king's death to receive trial. It made partial exceptions in the case of sir Harry Vane and colonel Lambert; and limited the sentence against Haslerig, lord Monson, and some others, to the loss of their estates and perpetual imprisonment; declaring others, twenty of whom were named, incapable of holding any office civil or ecclesiastical. The commons saved the regicides who had obeyed the proclamation, and thus rescued the monarch from the charge of perfidy to which the peers, with Clarendon at their head, would have exposed him*.

Judgment of death was passed on the regicides without any exception. Of the ten who were selected to suffer death as traitors, six only had signed the warrant which brought the king ^{Execution of} the regicides. to the block. These were Scot, Harrison, Scroop, Carew, Clements, and Jones. With these were Hugh Peters, the army chaplain, whose fanatic eloquence had called aloud for judgment on "the Barrabas at Windsor;" Cooke, who had acted as solicitor-general at the trial; and, what is more difficult to justify, Axtel and Hacker, the officers who were appointed to act as guards over the captive monarch. The sentence of the law against these persons, sufficiently barbarous in itself, was carried into effect with a studied cruelty, the description of which would be revolting to our readers. The sufferers met their fate without dismay, and, instead of confessing themselves the greatest of criminals, boasted of the part which they had taken against the late king as the most honourable action of their lives†.

* Parl. Hist., 65. 71. 73. 80. 83. 91. 96. Clarendon's Life, ii. 129—134.

† Howell's State Trials, v. 1230, *et seq.*

Nothing, however, was more natural than that these persons should be regarded with horror by all who held the notions still widely entertained concerning the sacredness of royalty. They were spoken of accordingly as monsters—who had not scrupled to subject the Lord's anointed to the axe of the executioner! But this doctrine, in the view of the regicides, was a superstitious dream, and a dream which had been suffered to impose on mankind for ages in a manner fatal to their freedom and happiness. Justice, as they believed, had directed its shafts too long against the mean and the defenceless. By some strange perversion of its principles, the most powerful of its adversaries had long formed a sheltered class, the conventional pretences set up in support of crime in that quarter being allowed to divert both reason and humanity from forming a just estimate of its enormity. But the time had come in which to tell offending mortals, as from the high places of the earth, that henceforth there shall be nothing in the most exalted station to shield delinquents from the terrors of retribution. The king, according to their creed, was the grand author of the bloodshed with which the land was stained, and the policy which crushes the minor culprit, but allows the chief transgressor to go free, they rejected with apparent scorn, as opposed to the clear principles of justice, and to the most obvious injunctions of religion. If wrong in these views, they were wrong, as some of them maintained, from a mysterious necessity, and not from choice, inasmuch as they had sought the promised guidance of Heaven by means of earnest prayer, and the more they sought, were only the more confirmed in the rectitude of the course which they had pursued; while others appealed, with no less confidence, to the acknowledged principles of republicanism, as affording an ample vindication of their proceedings.

But the opinions of the cavaliers, in relation to the conduct of the principal actors in that memorable scene, were of a widely-different complexion. It could not be denied that the man who would destroy the freedom of a nation, may be a much greater offender than the party who should compass the death of a sovereign; and that this destruction being brought about by the sovereign, while sworn above all men to act as the conservator of the good destroyed, was a circumstance only tending to impart the strongest possible aggravation to such delinquency. But the royalists denied the charge against the late king which this reasoning assumed; and even admitting that the time may have come in which an awful lesson of the kind mentioned was required, they demanded, and with much reason, whether Charles the First, with all his supposed faults, was really the prince that should have been chosen for such a purpose. They also denied, and in the strongest terms, that the authority assumed by the king's judges was that of the nation, and denounced the whole of the proceedings against him as opposed, in their form as well as in their issue, to both law and justice. The majority,

indeed, were in no mood to entertain dispassionate argument on this subject, but were carried away by a species of fanaticism similar to that which had misled their opponents, affirming loudly and constantly that the favour of Heaven could not rest upon the nation so long as the late king's blood should be unavenged.

Possessed with this spirit, many of the royalists were far from being satisfied with the instances of severity which they had witnessed. They lamented that among those who were thus punished, that master culprit who had pronounced sentence against his sovereign was not found, nor the still greater offender who had "both killed and taken possession." The grave, accordingly, was violated, that these signal transgressors might not wholly escape the punishment due to their crimes. The bodies of Bradshaw, Cromwell, and Ireton, taken from their tombs and drawn upon hurdles to Tyburn, were there suspended on a gallows from morning to evening; their heads were afterwards severed and fixed over the gateway of Westminster hall, and their bodies were thrown into a hole prepared for their reception near the place of this edifying spectacle*.

Not to resume this unpleasant subject, we may here mention the fate of the other regicides, and of several obnoxious persons who were placed under arrest though not chargeable with that crime. The commons in the new parliament looked with much less pity than their predecessors on the condition of these unhappy men; but the resentment of the lords was considerably abated. Three of the accused persons whose names had not been attached to the fatal warrant, were sentenced to perpetual imprisonment, and were drawn from the place of their confinement to Tyburn and back again, fastened upon hurdles, with halters about their necks; and their sentence required that this degrading exhibition should be renewed every year. These persons were Robert Wallop, sir Henry Mildmay, and lord Monson; and an attempt was made by the lower house to obtain the execution of the nineteen who had surrendered themselves on the faith of the king's proclamation. Charles, however, from feelings of humanity, or from learning that the boldness and general demeanour of those who were executed had awakened an unexpected sympathy in their favour, discouraged the proceeding, and the only additional blood shed was that of sir Harry Vane†.

* Several other bodies were removed from Westminster Abbey to the churchyard. Among these were the mother of Cromwell, Pym, May the historian of the Long Parliament, and Twiss and Marshall, who were leading men in the assembly of divines. Even the remains of admiral Blake were thus dishonoured. Kennet's Reg., 367. Pepys' Diary, i. 78—93. See the case of the regicides argued in Ludlow, iii. 323—376.

† Journals of Lords and Commons. Burnet, i. 163, 164. Howell's State Trials, v. 971—1301. Vane was the founder of a religious sect, called Vanists or Seekers, from their profession as being merely seekers after truth. And no one can read two pages of his "Mystery of Godliness" without perceiving that if the writer has found the truth, he has a singularly-confused mode of making his discoveries known. But with all his mysticism he appears to have been a sincerely devout man, and,

The charge preferred against Vane was that of high treason, and its overt act was said to be his taking part in the government which had expelled the king, and seized on his authority. It was obvious that this was no more than might have been proved against a large number of persons. In truth, the spirit of this offence, if such it may be called, pertained to every man in the kingdom who had actively adhered to the cause of the Long Parliament. Vane pleaded a statute of Henry the Seventh, which justified obedience to a government existing, though filling the place of a government regarded as having a better title to exist. But his opponents urged against him that the existing government, in the case which the statute supposed, was presumed to be a government in the hands of a king, a circumstance which was wanting in the case under consideration. It was even affirmed that Charles the Second had been king in fact, as well as in right, from the moment in which his father ceased to exist. All this, according to sir Edward Coke, and other great law authorities, is unwarrantable assumption, it being clear that the king who has right, but who is not in possession of the sovereign power, is not the king intended by the statute of treasons. But a doctrine which placed the life and property of every man in the kingdom who had taken part with the late parliament at the mercy of the crown was too monstrous to be generally enforced. It was dictated, in this instance, partly in a spirit of revenge, and partly from fear. Vane had contributed more than any other person now living to the death of Strafford. To his energy and capacity the parliament was mainly indebted for the name which it acquired soon after the death of the king; and on his trial, instead of copying the submissive tone of Lambert, who crouched before a court of justice as he had never done in the field, he boldly vindicated his conduct, maintaining that he had done nothing to make him justly dependent on the clemency of any power on earth. Charles was much displeased with this conduct, and, writing immediately to Clarendon, observed, "he is too dangerous a man to let live, if we can honestly put him out of the way." Lambert was spared, as to his life, in accordance with a promise to that effect which the king had made to the convention parliament, and his remaining days were spent as a prisoner in the island of Guernsey, where he

as sometimes happens, is found to reason upon the speculative parts of religion with a weakness foreign to his general character. It was his favourite maxim, and there cannot be a sounder one, that "the province of the magistrate is this world and man's body, not his conscience or the concerns of eternity." The force with which Vane expounded this doctrine attracted the admiration of Milton.

"———To know"

Both spiritual power and civil, what each means,
What severs each, thou hast learn'd, which few have done:
The bounds of either sword to thee we owe:
Therefore on thy firm hand Religion leans
In peace, and reckons thee her eldest son."

died a Catholic at an advanced age. The security of the royal word had extended to Vane no less than to Lambert; but the scruples of the monarch concerning the "honesty" of putting the former to death were soon removed, and sentence of death, though manifestly at variance both with the letter and spirit of our laws, was carried into effect, as the most advisable method of putting an obnoxious person "out of the way."

Vane suffered on Tower Hill, exhibiting that strength of religious feeling and unshaken integrity which had marked his public life. At the place of execution he would have addressed the populace, but this it had been deemed important to prevent, and a novel expedient was resorted to for the purpose. He had no sooner begun to speak, than a signal was given, and the sound of drums broke forth, so as to render his voice inaudible. He then bowed respectfully to the crowd, and met his fate "with so much composedness, that it was generally thought the government had lost more than it had gained by his death*."

During the late troubles, the property of the kingdom had passed, along with its power, considerably into other hands. In all times of revolution, the persons enriched by the ^{Adjustments of property.} change have been regarded by its authors as parties disposed, from considerations of interest, to do what they may toward giving it permanence. Charles endeavoured to break the force of this difficulty in his declaration from Breda, in which he stated that all questions concerning grants or purchases of property, amidst "so many and great revolutions," should be "determined in parliament, which could best provide for the just satisfaction of all who were concerned." But this was a matter with which, in the issue, neither the lords nor the commons were allowed materially to interfere. It was reserved by the court to its own discretion, and as the court policy in this particular received its complexion almost entirely from the mind of Clarendon, it was soon manifest that in England churchmen were almost the only parties whose expectations of restitution were not to end in disappointment. By this course of proceeding the chancellor exposed himself to much odium

* Howell's State Trials, vi. 119. Blackstone, book iv. c. 6. Hume has observed on the proceedings against Vane, that "the court, considering more the general opinion of his active guilt in the beginning and prosecution of the civil wars, than the acts of treason charged against him, took advantage of the letter of the law, and brought him in guilty." It is not easy to extract any portion of consistent meaning from this singular statement. Mr. Phillips, in his work intitled "State Trials Reviewed," remarks on this passage:—"How the court could take advantage of the letter of the law without considering the articles of treason charged, it is not easy to understand, since the articles which form the charge must be founded on the words of the law. But the principal defect in the passage referred to is, that it represents the case of sir Harry Vane as strictly within the letter of the law of treason, which is a most erroneous opinion; for there is scarcely any case among the State Trials so much out of the strict and plain *letter* of the law; and after the remarks of Mr. Justice Foster, which have been before mentioned, it will be thought not to be within the *spirit* or *principle* of the law."—i. 285, 286. Burnet, i. 163, 164. Rawdon Papers, 166.

in opposite quarters. The cavaliers became indignant that their suits were so much discouraged; while such of the opposite party as happened to be in possession of property belonging to the crown, or to ecclesiastical corporations, were equally loud in their complaints on finding themselves expelled without delay or compensation. Clarendon appears to have concluded that to entertain the average class of pretensions set up by the royalists, would have been to open sources of litigation so numerous and formidable, as must hazard the peace of the kingdom; and, without much consideration about the claims of gratitude, he satisfied himself that, inasmuch as the king had less to fear from the anger of the royalists than from that of their opponents, it became him to choose the more convenient, or the more safe side of the alternative before him. With regard to the property of the church and of the crown, the chancellor could be more decisive with less room for apprehension, and in those respects his inclination disposed him to make full use of his power. The influence of personal feeling had led to so much intrigue and animosity in the proceedings of the two houses during the discussions concerning the punishment of the regicides and their accomplices, as to place it beyond doubt, that to have left the decision of questions concerning property to that authority, would not have been to subserve the ends either of peace or justice. We may charge Clarendon with selfishness and ambition, enriched as he was by the emoluments of his office, and by the sum of 20,000*l.* and the manor of Cornbury in Oxfordshire as presents from the king; and we may charge the monarch with want of gratitude toward his old friends, and with want of fidelity both toward them and others; but it is not easy to fix, on the whole, upon that wiser course which, in relation to such questions, it would have been well to have pursued in the circumstances of the times. Indeed it is evident from a debate which took place in the commons on the eleventh of July, about six weeks after the return of the king, that so far as the church and crown lands were concerned, the council and the royal commissioners acted in accordance with the sentiments of that house; while the bill entitled "An Act for the confirmation of judicial proceedings," did much to sanction their general policy. Land was rarely sold during the commonwealth at a higher rate than ten years' purchase*.

* Clarendon's Life, 17, 18. 20—38. 134. 184—189. Sect. 12, Car. II. c. 17. Parl. Hist. iv. 80, 81. Kennet Reg. 312. Burnet, i. 136. Burnet says, the sums raised in the way of fines on the renewing of church leases "rose to about a million and a half," and complains heavily that a large portion of the irregular gain which thus accrued to the prelates was not withholden from them for the purpose of aiding small livings; and for once even Swift conceives that the bishop "judges right." The bishop adds, that in some sees "forty or fifty thousand pounds were raised and applied to enrich the bishop's families—a pattern to all the lower dignitaries. In this the lord chancellor was heavily charged as more the friend of the bishops than of the church"—*ibid.* See also Life of Calamy, i. 55, from which it appears that Hacket, bishop of Lichfield and Coventry, expended 20,000*l.* derived from this source, in repairing his cathedral. A few particular persons

The attention of parliament was soon called to the subject of the revenue. The duties of tonnage and poundage were voted to the king for life, with a continuance, until the following August, of the excise. With these grants, designed to meet the current expenses of the government, a bill was connected which proposed to raise, in the form of a property tax, a sufficient sum to pay the arrears of the army, preparatory to its being disbanded. This bill was not so productive as its framers had expected, and some additional expedients of the same description were found necessary in order to secure the required amount. The convention parliament concluded its labours in this way by settling upon the crown 'the whole income from the excise,' amounting at that time to considerably more than 200,000*l.* annually, and in recommending that measures should be taken to raise the fixed revenue of the king to the unprecedented sum of 1,200,000*l.* a year. It should be added, however, that the parliament not only left the method of filling up of this scheme in great part to their successors, but that the sums actually voted by them did not exceed the exigencies of the crisis. In more than one instance also, this subservient house of commons ventured to remind the king, that in voting money bills without insisting on a confirmation of their liberties, or a redress of grievances, they were departing from the "old way" of English parliaments, and that they did so purely in consequence of the extraordinary trust which they reposed in his majesty's fidelity and good intentions*. It should be remembered also, that the settlement of the excise upon the crown was in exchange for a removal of the feudal burdens under the name of wardship, and was one half for life and the other in perpetuity.

The disbanding of the army was committed to the management of twelve commissioners, six from the upper and six from the lower house. Care was taken that the men and officers should all receive their full arrears, with the gratuity of a week's pay as a token of goodwill from their king. High praises were also bestowed upon them by the monarch, the chancellor, and the two houses, who spoke of them as a body of men unrivalled in their courage, discipline, and good conduct. As the day for disbanding approached, regiments and detachments were assembled separately in different parts of the country, and nearly thirty thousand soldiers, brought together amidst the excitements and disorders of civil war, and accustomed many of them during twice seven years to the unsettled habits of a soldier's life, were so little corrupted as to be seen dispersing peaceably, and resuming their place in the community, with the sobriety of a village

among the royalists were restored to the possession of the lands of which they had been deprived during the war or the commonwealth, but the great body of the cavaliers found no such redress.

* Parl. Hist. iv. 92—94. 117—119. 146—149. Ralp. i. *ubi supra*.

troop returned to their daily occupation from the divertisement of a holiday exercise. Assuredly the army of the English commonwealth was such, in more senses than one, as Europe had never seen. Gratifying as it would have been to the king, and to his brother James, to have retained such an instrument at their disposal, it required little sagacity to perceive that, consisting of such men, it was a weapon whose edge was more likely to be turned against any irregular exercise of the power of the crown, than to be employed in its favour, so soon as the present flush of popular feeling should be found to subside. The select force retained under the name of guards did not exceed five thousand men*.

We have seen that many of the late controversies, though decided in the end by the sword, were commenced in the pulpit, and that all of them were greatly influenced from that quarter. Ecclesiastical affairs. The presbyterians, who supplanted the episcopalians both in the senate and the church, no sooner saw the power which they had thus acquired pass into the hands of the independents and their kindred sectaries, than they became, with few exceptions, the secret or avowed adherents of the exiled family. They were not altogether insensible to the danger of a restoration, but its probable results were viewed as greatly in their favour. They looked with confidence to their numbers, to their separation from the extreme proceedings of the independents, to their services in connexion with the restoration, to the pledges of friendship and of an amicable adjustment of all differences which had been proffered them from all quarters by their old opponents the royalists; and, above all, to the language of the king in the document addressed to the nation from Breda, in which his majesty professed to lament the "passion and uncharitableness" so widely engendered by religious differences, and, in the hope of composing such disagreements, promised "a liberty to tender consciences," declaring that no one should in future "be disquieted, or called in question, for differences of opinion in matters of religion, not found to disturb the peace of the kingdom."

But the act which restored the king restored the laws, both civil Policy of the and ecclesiastical, to the state in which they were at the com- Court. mencement of the war. The hierarchy accordingly was re-established; and the whole of the matters imposed in the book of common prayer, and to which so much exception had been taken,—as kneeling at the sacrament, the surplice, and the use of the cross in

* Clarendon's Life, ii. 18—20. 137. Parl. Hist. iv. 115, 116, 145. The discussions on the militia bill appears to have called forth a tone of free observation in the commons. One member said, "that whoever brought in martial law deserved to be made the first example of it." Morrice, in supporting the reduction of the military force, recommended by his kinsman the duke of Albemarle, said, "that gunpowder was made of the same ingredients that caused an earthquake; and that as long as the soldiery continued there would be a perpetual trembling in the nation, that they were inconsistent with the happiness of any kingdom."—Ralph. i. 20, 21.

baptism, became again legal, and might be enforced by the proper authorities. An opportunity, however, appears to have occurred of making such alterations in the discipline of the church, as would no doubt have satisfied the majority of the nonconformists, by adopting a modification of episcopacy, according to the model proposed by archbishop Usher in 1641, and by revising the liturgy in such a manner as to exclude from it those parts which were deemed objectionable, without omitting anything that could be justly viewed as necessary to the order and efficiency of the established worship. Had this been done, the advantage would have been gained of admitting many within the pale of the church who were excluded from it so long as these alterations were rejected, though it is evident that no alterations could be made in the government of the church, still less in its ritual, that would not still have left a large body of the people excluded from it. The majority of the prelates, however, manifested the most decided opposition to the adoption of this plan, and Clarendon gave strength to that opposition by his own concurrence with it. It was urged by the less moderate of the bishops that all objections to an ecclesiastical administration in a single person must be opposed to a civil government so constituted, and in consequence be hostile to monarchy. It was not perceived by those who made use of this argument that it could have no force except as applied to an absolute monarchy, the sort of episcopacy to which the presbyterians were now willing to submit being the government of a bishop joined with that of an ecclesiastical senate or council, a polity which would only have made the constitution of the church much more accordant with that which had obtained in the state. Another mode suggested was that of excepting the officiating clergy of the presbyterian denomination from the necessity of conforming on the points objectionable to them. But this arrangement, while it would have satisfied the more moderate presbyterians, would probably have been very unacceptable to those episcopalians who happened to reside in the parishes where such clergymen officiated, and, in the dissensions arising from this cause, the party calling for the observance of the disputed forms, and the party omitting them, would avail themselves equally of the plea of conscience. The judgment formed concerning this balance of evils was widely different in the case of the two parties, and has continued to our own time—the nonconformists and their advocates affirming, that the court and the bishops were pledged, by the declaration from Breda, and the many circumstances connected with it, either to dispense with some of the obnoxious ceremonies, or to leave them thus optional; while their opponents maintain that this conclusion is not strictly warranted by the facts of the case, if fully and fairly considered.

Strong as were the objections on the part of Clarendon and most of the bishops to all proposals of this nature, it was agreed not to give expression to them before the convenient season. In the mean time the

course of affairs was such as to justify the fears of the nonconformists. Baxter, writing within three months of the Restoration, states, "Before this time many hundred worthy ministers were displaced, and cast out of their charges, because they were in sequestration where others had been cast out by the parliament. Our earnest desire had been, that all such should be cast out as were in any benefice belonging formerly to a man who was not grossly insufficient or debauched, but that all who succeeded such as these scandalous ones, should hold their places. These wishes were vain, and all the old ones restored.*" But, while the presbyterians were thus made to fear that their entire expulsion from the church was not far distant, they were beguiled during some time with assurances that a reasonable accommodation was intended. Ten of their principal ministers were flattered with the honorary distinction of royal chaplains. Baxter, who was of this number, ventured to remind the king that the strength of the late usurpation had arisen mainly from its protection and encouragement of devout men, without regard to trivial differences; and observed that nothing could tend so much to revive the credit of the past as the adoption of a less liberal policy on the part of his majesty's government. Charles, in return, professed to be much pleased that the presbyterian clergy were willing to conform to a mode of ecclesiastical government, which, while it modified the form of episcopacy, retained its essence. Nor was he less gratified to learn, that, while they objected to some things in the established liturgy, they were not enemies to liturgies in general. His determination accordingly was to bring the two parties together, by encouraging this friendly temper on both sides. It is probable that the king expressed himself sincerely when he thus spoke: we know that the persons to whom his language was addressed regarded it in that light, and shed tears of joy as they listened†.

* *Life and Times*, part ii. 241. This indiscriminate expulsion of the clergy did not proceed without opposition. The king said to a deputation from the commons praying for a confirmation of these proceedings, that "He had promised them (the presbyterians) at Breda the continuance in their livings;" whereupon they said that the commons might possibly be tempted not to pass the bill intended for the enlargement of his revenue, if his majesty would favour the confirmation of the presbyterian ministers; to whom the king answered—"That if he had not wherewith to subsist two days, he would trust God Almighty's providence rather than break his word."—*Rawdon Papers*, 137, 138. This was in February, 1661. The common talk some three months earlier was, that "The book of common prayer and the surplice were to be used in cathedrals, but left indifferent elsewhere."—*Ibid.* 128. Similar changes to those mentioned by Baxter took place with regard to the fellowships in the universities. In August, 1660, Pepys writes, "I met Mr. Crew, and dined with him, where there dined one Mr. Hickeman, an Oxford man, who spoke very much against the height of the now old clergy, for putting out many of the religious fellows of colleges, and inveighed against them for being drunk."—*Diary*, i. 72. "Saw the bishops all in their habits in Henry the Seventh's chapel; but, Lord! at their going out, how people did, most of them, look upon them as strange creatures, and few with any kind of love or respect."—*Ibid.* Oct. 4. *Collier*, ii. 872.

† *Baxter's Life*, pp. 230, 231

With a view to the accomplishment of this object, Charles required Baxter and his friends to supply a statement of the changes which they deemed necessary in the matter of the church government, observing that the settlement of that point would do much to diminish other difficulties. The ministers consented; but required that a paper, stating what might be conceded, should be at the same time prepared by the bishops. Charles acknowledged the propriety of this request, and promised that it should be complied with. The paper prepared by the presbyterians recognised the separate office of the bishops, but would have rendered their jurisdiction dependent, in some important particulars, on the concurrence of a presbytery. It was also urged that some respect should be shown for the scruples of conscientious men, in using the book of common prayer; and several matters were mentioned, as kneeling at the sacrament, and bowing at the name of Jesus, as usages which should be abolished, or at least not strictly enforced. The document, on the whole, evinced a disposition on the part of its authors to make large concessions for the sake of peace. On being admitted to the royal presence, the ministers expected to learn the extent to which the prelates were prepared to proceed in the same course; but to their surprise the bishops were not present, nor did any communication from them appear. Some time afterwards, a paper, meant as a reply to that furnished by the ministers, was produced; but its only use was to show that no concessions of the description necessary to bring about any union of parties were to be expected from the court*.

This policy, however, was not without its dangers. The convention parliament was still sitting; and in the commons some warm debates had occurred on this subject. Prynne had not scrupled to admonish the house that it became them, while busy in disbanding the army, to be careful not to create a necessity for bringing it together again by the excess of their religious intolerance. So impassioned was the debate that the house sat in committee an hour after it became dark; the novel attempt of introducing candles was resorted to; twice they were blown out; "but the third time they were preserved, though with great disorder†."

In this state of public feeling the king again interfered in the office of moderator; and published a declaration which purported to supply a mode of adjusting the differences between the two parties. This document was not issued until it had been considerably modified by the presbyterian divines, and their friends in the cabinet. In its amended form it contained important concessions. In the place of investing the bishops alone with the functions of church-

Negotiations
between the
presbyter-
ians and the
bishops.

Debate in
the commons
—king's de-
claration.
July 9.

Oct. 25.

* Baxter's Life, 231-253.

† Parl. Hist. iv. 79, 80.

government, it raised the inferior clergy, from being mere teachers, to the possession of some share in matters of jurisdiction, on the plan of archbishop Usher's episcopacy. It also granted some indulgence to conscientious men, with respect to subscriptions, ceremonies, and the oath of canonical obedience. Reynolds, a leading nonconformist, was so far satisfied with these proposals, that he accepted the bishopric which had been offered to him; Calamy was on the eve of doing the same; and even Baxter declined that honour, less from conscientious objections than upon other grounds*.

But it was not sufficient that the king should have made up his mind as to the course which he intended to pursue. Charles always needed the perseverance necessary to realise his plans, when they were not of a kind to obtain the cordial support of the persons who were in most frequent intercourse with him. It soon became evident that the issuing of this declaration had been assented to, partly from necessity, and partly as an expedient to gain time. When the friends of the presbyterians, with judge Hale as their leader, brought in a bill to convert the king's declaration into law, to their surprise the ministers of the crown appeared as its most determined opponents, and it was lost by a majority of twenty-eight in a house of three hundred and forty. A few weeks later the convention parliament was dissolved†.

CHAPTER II.

New Parliament—Its proceedings—Venner's Insurrection—Savoy Conference—Proceedings in the Houses of Convocation—Act of Uniformity—The Act enforced—Conduct of the Nonconformist Clergy considered—Independents and Quakers—English Catholics—Change of the national sentiment in relation to the Established Church—Its Causes—Charles meditates a suspension of the Act of Uniformity—His Declaration concerning the Dispensing Power—Opposed by the Clergy and the Parliament—Conventicle Act—Five-mile Act—Proceedings in Scotland and Ireland—Growth of discontent—Necessities of the Government—Effect of the vices of the court on the ultimate liberty of the nation—The King's marriage—Scheme to make him independent of Parliaments—Sale of Dunkirk.

If the loyalty of the convention parliament was excessive, that feeling was still less within the bounds of moderation in the parliament assembled about four months after its dissolution. The metropolis, indeed, and some other places, returned men who were known to be sturdy parliamentarians, disposed to look with

* Parl. Hist. iv. 131-141. Baxter's Life, 259, *et seq.* Life of Calamy, i. 55, 56.

† Parl. Hist. iv. 141, 142, 152-154. Clarendon describes the presbyterians as contending "with their usual confidence" for the settlement of their discipline by "supreme authority, according to the covenant," a statement singularly at variance with truth; and speaks of their wish to see the king's declaration become law, as an artifice designed to keep the church "without a settlement."

jealousy on the parade and authority resumed by the bishops*. But with the exception of about fifty persons who might sometimes express a doubt concerning the infallibility of the court, the whole house of commons was so managed as to be at the ready disposal of the chancellor. Never were the royalists so completely ascendant as at this moment, and their prostrate foes were not allowed to be without a due sense of their low estate.

We have adverted to the effort made by the new house of commons to introduce further exceptions into the bill of indemnity, and have seen a check imposed on its sanguinary temper by the greater humanity of the king. With this manifestation of en-^{Its proceed-}imity to the roundheads, was coupled a vote of 60,000*l.* to be distributed among the more needy cavaliers,—a sum regarded by those persons as a sorry return for their losses and service. It was carried also, and by more than two-thirds of the commons, that the solemn league and covenant—a compact which the king had sworn three several times to observe—should be burnt by the common hangman. It was further declared, that there is no legislative power in either lords or commons, nor in both conjointly, without the king; that the command of the forces pertains, beyond doubt, to the crown, and that no parliament can possibly possess the right to levy war against the king, either offensive or defensive! The statute of treason was rendered more comprehensive; the bishops were restored to their seats as spiritual peers; and, on the pretext of former excesses, the right of petitioning on the part of the subject was almost destroyed. It was also required that every member should partake of the sacrament according to the form of the church of England, on pain of exclusion†.

Nor was this desecration of a religious ordinance sufficient for the purpose intended. It was made imperative, by means of Corporation the “Corporation Act,” that all persons through the king-^{Act.}dom holding any civil office should declare the oath con-^{Dec. 19.}

* “The great talk of the town is the strange election that the city of London made yesterday for parliament-men—viz., Fowke, Love, Jones, and (Thompson)—men who so far from being episcopal, are thought to be anabaptists; and chosen with a great deal of zeal, in spite of the other party that thought themselves so strong, calling out in the Hall, ‘No bishops! No lord bishops!’ It do make the people fear it may come to worse, by being an example to the country to do the same. And indeed the bishops are so high, that very few do love them.” Pepys, i. 98.

† Journals Lords and Commons. It was the avowed policy of Clarendon to bring all things back to their position in 1640, or, in his own language, to pull up “all those principles of sedition and rebellion by the roots, which had been the ground of the infamous rebellion in the Long Parliament.” Life, *ubi supra*. Macdiarmid, ii. 358—“Roger Pepys told me how basely things had been carried in parliament by the young men, who did labour to oppose all things that were proposed by serious men, that they are the most profane, swearing fellows he ever heard in his life, which makes him think they will spoil all, and bring things into a war again, if they can.” Pepys, i. 113. Among the good things expected from this parliament in some quarters was a measure to “vacate the acts for taking away the High Commission Court and Star Chamber.” Rawdon Papers, 174. But no such attempt was made. 13 Car. II. stat. 2, c. i., 15 Car. II. c. 5.

cerning the league and covenant to be no longer binding, and profess an abhorrence of the traitorous position which affirmed the right of the subject to make war, under any pretence whatsoever, against the king. Formidable as was the strength of the royalists in the present parliament, most of the boroughs in every part of the kingdom were known to be in a great measure under the influence of the presbyterians. Should there be any reaction in public feeling, the opposition of that body was not to be slighted, and this last measure, by forcing upon them the necessity of resigning their civil trusts, or of holding them at the manifest cost of their moral consistency, was meant to annihilate their power in the state, while other measures were in progress as means of accomplishing their complete expulsion from the church*.

But affairs did not take this course without aid derived from sham Rumours of plots, nor without some appearance of restlessness and conspiracy.—disaffection, which the government contrived to magnify Venner's insurrection. by the usual expedients. The god-send of this sort was Jan. 1661. an insurrection of about fifty or sixty fanatics belonging to the sect of the fifth-monarchy-men, who had a place of meeting in Coleman-street, and acted under the direction of their old leader, a wine-cooper, named Venner. The misguided man spoke of certain victory and universal sovereignty, as the honour that Christ would not fail to bestow on the little band still faithful to Him as the only King of nations. The first onset of the insurgents was upon the trained bands, in the neighbourhood of St. Paul's; and having paraded the streets, brandishing their weapons, and uttering the most extravagant language, they withdrew toward evening to the concealment of a wood near Hampstead. The spirit of the insurgents had been wrought up to its full height of frenzy at their place of meeting in the afternoon of the first Sunday in January, and by the following Wednesday nearly the whole of those who had not fallen by the weapons of the military, were apprehended and committed to prison. From their prisons, they were most of them conducted soon afterwards to the gallows. Every one must have known that the presbyterians were as little disposed to confide in the service of such men as the royalists; nor was it found possible to show that they knew anything of the various seditious projects which their enemies imputed to them. The degree of credit, however, which was given to such rumours, and the frequent arrests of suspected persons made under the pretence of them, served to diffuse a general feeling of insecurity, and favoured the adoption of those arbitrary measures in relation to the state and the church which mark the history of this juncture†.

* In October of the past year, Sharpe, who acted as solicitor against the regicides, writes—"All the presbyterians in London are left out of the commission of array; and the sword being placed in trusty hands throughout this kingdom, there will be little fear but all other things will be settled with security." Rawdon Papers, 129.

† "Mr. Davis told us the particular examination of these fanatiques that are

As the attempt to give the declaration of the king on ecclesiastical affairs the force and permanence of law had not been successful in the convention parliament, there was no room to hope that it might be broached with any advantage in the new house of commons. Still, the presbyterians clung to it as their last plank, and urged that the conference of which it spoke, for the purpose of revising the liturgy, might take place without delay. It was at length agreed that thirteen prelates and eleven non-conformists should assemble for this object. Sheldon, the bishop of London, commenced by observing, that as the meeting had been convened at the request of the ministers, it devolved on them to state the alterations which they were desirous to see adopted: and it was further required that these should be delivered in writing, and the whole of them at the same time. Many objections were made to this suspicious and unequal method of proceeding. Baxter, however, prevailed on his brethren to comply with it.

Savoy conference.
March 25,
1662.

It would fatigue the reader were we to attempt a detailed account of the fruitless discussions which took place, and which kept all things in abeyance until the time to which the conference had been limited was drawing to its close. The presbyterians, however, employed themselves with much care in preparing a revised liturgy, which they sent in with a petition expressing an earnest desire of concord. The bishops were to have sent in two papers in return, one saying how much of the liturgy objected to they would alter, and the other how many of the matters proposed by the presbyterians they would adopt, and stating the reasons why they rejected the remainder; instead of this, the paper which they some time after sent in contained their reasons against all the alterations proposed with only a few trifling exceptions. To this paper the presbyterians sent in a reply, which was prepared by Baxter. But the time limited for the continuance of the conference was almost expired, and the presbyterians pressed for, and at length obtained, a personal meeting for the purpose of discussing the disputed points: this, as was to be expected, proved equally unsatisfactory. The bishops listened to all that the presbyterians were desirous of saying, but offered nothing in reply, nor was it found possible, by any exercise of ingenuity, to draw them into a discussion.

It is now well known that the liturgy, and other papers, prepared by the nonconformists, passed from their hands into those of parties who possessed both the inclination and the power to prevent the proposed compromise, and who gave the prelates their instructions with regard to the mode in which they should proceed. By the court, par-

taken; and in short it is this—these fanatiques that routed all the train-bands they met with, put the king's life-guards to the run, killed about twenty men, broke through the city-gates twice, and all this in the day-time, when all the city was in arms—are not in all above thirty-one, whereas we did believe them to be five hundred." Pepys, i. 169.

ticularly by Clarendon, they were taught to argue that the king's commission merely authorised such alterations as should, upon conference, be deemed necessary; and, as their lordships were not of opinion that the changes required by their opponents were necessary, it followed that they were not proper to be introduced. In the end it was agreed that a discussion should be conducted by three persons of either party, in the presence of their respective friends. The question to be determined was—the lawfulness of compelling men to engage in certain services as parts of divine worship while believing them to be unacceptable and displeasing to the Deity. That both parties should end where they began was to have been expected, and was the result which accorded with the policy of the court.

Thus ended the proceeding known in our history by the name of the "Savoy conference." The papers supplied by the nonconformists on that occasion were printed soon afterwards, and circulated through the kingdom. By this means the presbyterians in general were satisfied with regard to the manner in which their ministers had acquitted themselves; and were enabled to look forward, without much danger of mistake, to the probable course of public affairs*.

The two houses of convocation were assembled a short time before the conclusion of this conference. During the sitting of the convention parliament these clerical assemblies were dispensed with, partly in consequence of the irregularity which marked all the proceedings of that interval, and partly, perhaps, from some distrust of the class of persons who would then have been deputed to represent the ecclesiastical constitution, and

Proceedings in the houses of convocation.
 May. * Baxter's Life and Times, 305—364. "History of Nonconformity, as it was Argued and Stated by Commissioners on both sides in 1661." Clarendon, Burnet, and Parker. Clarendon, in his attempt to justify his conduct in this matter, observes, "It is an unhappy policy, and always unhappily applied, to imagine that that class of men can be recovered and reconciled by partial concessions, or granting less than they demand. And if all were granted, they would have more to ask, somewhat as a security for the enjoyment of what is granted, that shall preserve their power, and shake the whole frame of the government. Their faction is their religion. Nor are those combinations ever entered into upon real or substantial motives of conscience, how erroneous soever, but consist of many glutinous materials of will and humour, folly and knavery, and ambition and malice, which make men cling inseparably together, till they have satisfaction in all their pretences, or till they are absolutely broken and subdued, which may always be more easily done than the other." (Life, ii., 278—281.) Much might, no doubt, be adduced to give some appearance of truth to reasoning of this sort, but who does not see that, carried to this extent, it is precisely that which has led to all the atrocities in the history of persecution. Clarendon mentions two instances of this alleged "want of ingenuity and integrity" on the part of the presbyterians. The one is, that Calamy promised, on certain conditions, to recommend to his brethren the reading of the Common Prayer, and did the contrary. But it should have been added that the conditions on which this promise was made were not complied with. Beside which, the charge rests on very suspicious authority, and is not only falsified by the known intentions of Calamy at this juncture, but rendered highly improbable by the fact that it was after this time that the lord-chancellor invited this same Mr. Calamy to a bishopric.

to deliberate concerning its interests. Since that period, some hundreds of the presbyterian clergy had been expelled from their livings, and further to secure the strict orthodoxy both of the upper and the lower house, it was now resolved that no person should be admitted to a seat in either, who had not received episcopal ordination, and it was contrived also that many should be excluded who had been set apart to their functions by a bishop, but who were known to be unfriendly to the course which the ruling clergy were disposed to pursue. The convocation was made acquainted, soon after its meeting, with the result of the Savoy conference, and, in conformity with a suggestion from the monarch, proceeded to revise the Book of Common Prayer. Not less than six hundred alterations were introduced, but nearly every point objected to by the nonconformists was left untouched. The general effect, indeed, was, that the terms of nonconformity became more objectionable than ever*.

The proceedings in the Savoy conference, and the labours of the convocation, were followed by the memorable act of uni-
 formity. This act made it imperative on all clergymen ^{Act of uni-} to profess their "unfeigned assent and consent" to every-^{formity.} May 19.
 thing prescribed in the amended Book of Common Prayer; and required all residents in universities, schoolmasters, and private tutors, to promise conformity to its directions, to express their abhorrence of the Solemn League and Covenant, and their faith in the now fashionable doctrine of passive obedience. This bill did not assume its ultimate shape without opposition, but the attempt made to modify some of its provisions only served to bring its more obnoxious features into greater prominence, and to make it evident that its authors intended, when it should become law, to put the worst construction upon its language, and to enforce it to the uttermost. It was urged by a few sober men, that the Book of Common Prayer was a volume including topics of great variety and importance; that many might be sufficiently satisfied with it to use it, and to use it with reverence, who could not in honesty express an unqualified approval of everything it contained; and that this kind of difficulty was most likely to occur in the case of men accustomed to reflection on religious subjects, and most conscientious in the performance of religious duties. But arguments of this description were lost on the impassioned theologians of the lower house, "who acted upon all occasions more like the representatives of the clergy than of the people, making the church their first consideration, the king only the second; so that all concern for the liberty of the subject was, in a manner, devoured by their zeal for the sanctuary †."

Nothing could be more disingenuous than the manner in which the parties implicated in these proceedings endeavoured to reconcile their

* Neal, iv. c. vi. Collier, ii. 886, 887. Baxter, *ubi supra*. Burnet, i. 179—183.

† Ralph, i. 46, 47.

conduct with the language of the king in his declaration from Breda. That document promised an indulgence to tender consciences, but the word "tender" was now explained as meaning a mistaken conscience, found to be susceptible of better impression by means of better instruction. Hence it was not an indulgence to be extended to those who might continue to require it, however blameless their general temper and conduct, but a measure of forbearance on which none were to calculate, especially among the clergy, after a short season of trial! These men must have known that the words of the declaration were not understood by the nation in any such sense.

The act of uniformity obtained the royal assent on the nineteenth of May, and it was agreed that it should come into force throughout the kingdom on the twenty-fourth of the following August. When the appointed day arrived about two thousand clergymen were ejected from their livings. They were most of them needy men, with dependent families, but cast themselves on the care of Providence rather than part with the approval of their conscience. The day chosen for this exercise of power was the feast of St. Bartholomew—a season already memorable in the annals of ecclesiastical intolerance. The more valuable part of the tithes for the year became due at Michaelmas, and by removing the incumbents on the twenty-fourth of August, the punishment of deprivation was followed, in many cases, with the pressure of immediate want—the clergy who succeeded their ejected brethren being empowered by this means to reap where others had sown.

In some respects the severity of these proceedings was without a parallel in the history of English protestantism. On the accession of Elizabeth, many catholic priests were deprived of their livings, but all were provided for by the government, though known to be its enemies. The same was the case with the episcopalian clergy during the late changes; a fifth of their former income was secured to them, even amidst the danger and license of such irregular times. But it was the determination of Clarendon to know neither presbyterians nor independents in any other character than as "promoters of the rebellion," and as having "no better title to their lives than the king's mercy." In their pleading for "liberty of conscience," he spoke of seeing nothing more than the natural effect of their "impudence" and "malice," and the proof that more severity was required in the government.

If we look at the conduct of the ejected clergy of 1662 without prejudice, whether we agree with them or not in the opinions that led to the scruples by which they were induced to resign their livings, we cannot but see that the course which they pursued was that of honest and conscientious men. Many who had taken the oath required by the League and Covenant shrunk with a feeling highly honourable to them

from the profession now demanded of them, fearing lest it might involve them in the guilt of perjury. Many objected to the oath of passive obedience; while others regarded the conduct of the ruling clergy in making so many ceremonies of human invention to be necessary parts of the worship of the Deity, as exhibiting a course of proceeding which might facilitate the introduction of the greatest corruption into christianity. The plea of Hampden was not against the amount of the sum demanded under the name of ship-money, but against the principle on which it was exacted. Neither was the great objection of the more enlightened among the nonconformists to the comparatively-trivial matters of wearing a surplice, or kneeling at a sacrament, but to the principle of imposition, which, if conceded heedlessly, might, as they thought, lead to mischiefs without end. On the whole, the example of the nonconformist clergy did honour to their religious profession in a corrupt age; while by their writings, and by instituting academies in different parts of the country, they contributed much to preserve the spark of true religion and patriotism, and to form not a few of the minds which became conspicuous in public affairs at a later period.

The independents and the quakers, unlike the presbyterians, were precluded by their principles from desiring any part in the honours or emoluments of the established church, and were further distinguished from that class of christians by their willingness to concede the simple toleration which they implored in their own favour to every class of their fellow-subjects conducting themselves as peaceable members of society. In the scheme of the presbyterians the catholic and the socinian were classed among the "intolerables." By their scruples in this respect they exposed themselves to the loss of the favour with which the king seemed disposed to regard them, the object of Charles being not so much to serve the presbyterians, as to introduce a toleration sufficiently comprehensive to embrace the catholics. This course appears to have been chosen by the monarch as more in accordance than any other with his own pledge, and with his preference on such matters; and as holding forth the greatest promise of ease to himself, and of prosperity to the nation. But the different policy of the chancellor and his friends prevailed, and they were not slow to embarrass the course of the presbyterians by dwelling with much artifice on the exceptions which marred the simplicity of their own scheme of toleration. In reply, the presbyterians could only say that, should it be resolved to tolerate the parties to whom their exceptions referred, it was not their intention to make any protest against it, but they must be excused from being parties to such a measure*.

The quakers were the great sufferers at this period, their zeal exposing them, in a greater degree than that of other sects, to the severity

* Baxter's Life, part ii. 429. Kennet, Reg. 280. Clarendon's Life, ii, 278—296.

of the law, and the malevolent passions of the times. They reminded the parliament that a people whose religious tenets prohibited the use of arms could not be justly regarded as the enemies of peace. But it was in vain to appeal either to the reason or the humanity of their opponents. The prisons in different parts of the kingdom were crowded with sufferers of this class, who often implored the clemency of the king, but with little effect. Fox prepared a paper, from which it appeared that more than three thousand of his followers were imprisoned within a few months after the Restoration*.

In the second year of this reign an attempt was made by the catholics to obtain the free exercise of their worship. They professed a renunciation of all secular allegiance to the pope, and dwelt much on their late services in the royal cause. But, when some time had been occupied in deliberations on this question, the claims of the jesuits were introduced, and the zeal of the party who insisted on the admission of that order to the benefit of the proposed toleration was such as to frustrate the whole scheme. In parliament their only supporters were the duke of York and the catholic peers. They commonly spoke, indeed, of the king, and of persons possessing the highest influence, as being with them, but this talk only served to make them suspected in every direction beyond their own limited circle†.

But while the national feeling against catholicism, so strongly manifested since the accession of Elizabeth, remained unaltered, it is obvious that a material change had taken place in the general sentiment with regard to the established church. The persons constituting the present house of commons were chosen from the same rank with those of the two former reigns, and a large number of them from the same families—but how different in their temper and proceedings! The popular leaders, from the accession of James the First to the meeting of the Long Parliament, were all attached to the established church, and so were their followers. But they were ever ready to check its slightest advance toward encroachment on the civil constitution, and they were far from being insensible to its imperfections and abuses. But nothing could be more indiscriminate than the devotion in this respect of the English house of commons assembled in 1661. With these persons, neither the liberties of the subject, nor the prerogatives of the crown, were of any moment, if compared with measures which they were inclined to regard as necessary to the safety and splendour of the established church. That hatred of popery, which had breathed out in the speeches of Coke, and Pym, and Rudyard was retained; but to this hereditary feeling was added a fixed abhorrence of all sects, and such an attachment to

* Fox's Journal, 582. Neal, iv. 282, 319, 320. Parl. Hist., iv. 233, 234.

† Clarendon, ii. 266—272.

the church as not only converted her deformities into beauties, but taught men to make a sacrifice of their civil freedom to almost any extent for her sake.

In explanation of this great moral revolution, it may be remarked that, until the commencement of the civil war, the puritans were chiefly known as a devout and injured people; and ^{Its causes,} generous natures are always disposed to become the advocates of the suffering, and especially of suffering integrity. But during the last twenty years the scale had preponderated on the other side. The episcopal clergy had been humbled beneath the power of their former victims; and in the memory of a large portion of the present generation they were known only as sufferers. In their prostrate condition they were entitled to the sympathy of their adherents, and obtained a larger share of respect than they had been able to attract in the days of their prosperity. The early puritans were long sheltered as persecuted protestants, equally adverse to popery and to arbitrary power. But many infractions of civil liberty had occurred, and many questionable expedients been resorted to, both during the progress of the civil war and under the commonwealth, and these irregularities, though for the most part unavoidable in a course of affairs where all things had become irregular, were liable to be greatly misunderstood, and were sure to be adduced against the new powers, as demonstrations of selfishness and tyranny, aggravated by hollow pretensions to patriotism and a love of liberty. But, above all, we should mention, as among the causes of this marked change in the national sentiment, the insolence of democracy which broke forth about the time of the king's death, and continued until the Restoration. The wound which was thus inflicted on all the feelings of hereditary importance in the nobility and superior gentry contributed much to render them the fervent advocates of such an establishment of religion as promised the best security against any recurrence of a state of affairs which had been to them so humiliating. These facts, however, while they in part explain the memorable change adverted to, are not to be regarded as affording a vindication of it viewed in the extent to which it was carried.

Governed by the passions which were thus called into action, the two houses took upon themselves to exonerate the king from his promise in favour of "tender consciences," by maintaining that such a promise could only have been made with the implied understanding that parliament would not be found opposed to such a course of proceeding. But, instead of regarding such a policy with approbation, both houses were influenced, as they said, by the most weighty considerations, in opposing it to the utmost; and in this manner, the king, as they pretended, was freed from all blame.

Charles, whether in consequence of seeing through the duplicity thus resorted to in his favour, or from a wish to tolerate the presbyterian

for the sake of the catholic, assured the former that, though the act of uniformity had passed, its enforcement should not commence on the appointed day. But before that day arrived, this promise also was publicly falsified. The men who had clamoured for the passing of the act concurred with the judges in declaring the intended suspension of a solemn statute to be contrary to law, and a precedent that might lead to the most grievous encroachment on the constitution. So late, however, as the Friday preceding the Lord's-day on which the act of uniformity was to be enforced, the king and his council assembled to deliberate on the proposed suspension. But on that occasion Sheldon, the bishop of London, presented himself, though not belonging to the privy council, and he is said to have opposed the meditated course "with such sharpness of wit, copiousness of eloquence, and weight of reason," that all who were present agreed to the immediate execution of the law. "Whence," continues bishop Parker, "it happily came to pass, that, whereas there was but one day to intervene between the change of council and the enforcement of the law, almost all the presbyterians, who feared no such thing, but on the contrary were joyfully secure, found themselves on a sudden, almost in the twinkling of an eye, defeated by one stroke, and turned out of their parishes, to their great surprise and astonishment. By this seasonable interposition the bishop freed the church of England from these plagues for many years *."

The excitement which followed upon this event, and the earnest petitions presented to the king from all quarters, imploring the promised indulgence, disposed or encouraged the monarch to resume the question of his dispensing power. In the debates which ensued in the council, the king was materially assisted by the earl of Bristol, an avowed catholic, and by Bennet, afterwards Lord Arlington, a person whose secret adoption of the same creed had not been so conducted as to prevent his being much suspected on that ground, and who had been suddenly raised to the office of secretary of state, in the place of a less manageable functionary, sir Edward Nicholas. It was at once concluded that the object of such persons could not be to favour the presbyterians, but to bring about a toleration of popery, and in the end perhaps something more.

Charles, however, with the concurrence of a minority only in his council, issued another declaration, the professed object of which was to wipe away four scandalous imputations cast upon his government. According to this document, it was not true, in the first place, as some evil-disposed persons

Dec. 6. had presumed to assert, that the provisions of the act of indemnity were to be in any way violated; nor, in the second place, was it true that the king meditated the possibility of employing the five

* Own Times, 31, 32.

thousand soldiers in the pay of the government for the purpose of introducing arbitrary power, a government of that nature being not more unacceptable to his subjects than to himself. With regard to a third accusation, that of his having shown himself a friend of popery, the king professed to cherish a grateful remembrance of the generous loyalty manifested by the body of English catholics during the misfortunes of his father's government, nor was he disposed to conceal that he meant the proposed indulgence to extend, in some degree, to that portion of his subjects. At the same time, it was by no means his design to grant an open toleration of their worship. But the charge preferred against him more widely and loudly than any other, and one which he was especially anxious to refute, was that which described him as a persecutor, and reproached him with the want both of good faith and humanity. This last accusation sprang from the hardships inflicted by the act of uniformity, and it was far from his meaning to speak of that law as otherwise than necessary to the peace and security of the established church; but neither, on the other hand, was he disposed to overlook the claims of his subjects whose conscience might prevent their compliance with it. He deemed himself pledged by his declaration from Breda to make provision for their indulgence, and it should accordingly be his endeavour to obtain an act from the legislature that might enable him to exercise, in some more definite and satisfactory manner, that power of occasionally dispensing with the enforcement of severe laws which he conceived to be inherent in the crown.

But the experience and observation of the presbyterians made them suspicious that the friendliness expressed toward them in this document proceeded from a concealed wish to advance the interests of popery, as the sort of religion most favourable to arbitrary power. Clarendon, Southampton, and others, who were not less jealous of "popish counsels" than the presbyterians, made no secret of their hostility to the object of this declaration; and when the measure for which it was designed to prepare the way was introduced, so determined and so general was the opposition made to it in both houses, and so dubious the support which it received from those for whose benefit it was said to have been framed, that the movement altogether proved a failure*.

Since his restoration, Charles had never manifested so strong a feeling of displeasure as under this defeat. Clarendon, Southampton, the bishops—all were made to feel his resentment in his altered manners toward them. The conduct of the prelates especially he described in terms of indignation and disgust; it might accord with their pious notions, when once secure in their bishoprics, to set the claims of truth, justice, and humanity at defiance, but, for his own part, he was ill-con-

* Kennet, Reg., 848. Collier, ii, 889, 890. Burnet, i, 194—196. Ralph, i, 84, 85.

tent to possess a throne on such terms. It was by encouraging men to expect a very different course of proceeding that both they and himself had succeeded in regaining their present power; and it would be well if this intolerance, the exact counterpart of that which had once before been fatal both to the monarchy and the church were not found to carry such a consequence along with it a second time. But it should be observed, on the other hand, that the case, though so bad in one sense as fully to justify expressions of this nature, was by no means so simple as this language would suggest; for if a dispensing power were admitted at all, it was not easy to limit the benefits of it to one party, or the exercise of it to one law, more than another, nor to the laws of the church, more than to those of the state. The fault of the opponents of this proceeding was not in refusing to exercise their clemency, or rather to manifest their sense of justice, through such a medium, but in refusing to do so at all.

Nor was it enough to prevent the adoption of any such measure. The Enforcement of penal laws against catholics. July 25, 1664. two houses wrung a proclamation from the king, which commanded all catholic priests to leave the kingdom on pain of death; and after much angry discussion concerning the best means of crushing the cause of non-conformity still more completely, they presented an address to the king, praying that all penal statutes against papists on the one hand, and sectaries on the other, should be put into immediate and vigorous execution*.

Nor was this deemed sufficient. In the autumn of 1663 there was a rising of some discontented persons in Yorkshire and Westmoreland, among whom were individuals holding the

The conventicle act. May 16. tenets of the fifth-monarchy-men. This feeble movement was soon suppressed, but the usual arts were adopted to magnify it, and to derive from it a plea in aid of greater severities on the part of the government. Accordingly, in order to prevent disaffected persons from assembling for seditious purposes, under the pretence of religious worship, a bill was introduced and passed into a law, in which all private meetings for religious exercises, including more than five persons beside the members of the family, were described as conventicles, and declared to be unlawful and seditious. The offenders against this act were fined in the first instance five pounds, or imprisoned three months; in the second ten pounds, or imprisoned six months; for a third offence the penalty was a hundred pounds, or transportation for seven years; and these vexatious and formidable penalties were left to be awarded at the discretion of any single justice of the peace, without the slightest check from a jury or from any more competent authority. These magistrates, moreover, had been converted, by means of the recent test oaths, into the ready instruments of almost any policy which the ruling powers

* Parl. Hist., iv. 263.

might adopt; while the law itself was so ambiguously framed, that during the whole period of its enforcement, scarcely any two men were agreed in regard to its exact interpretation*.

As all classes of dissenters were comprehended in this act, all were sufferers. But the quakers, whose conscientious feeling disposed them to make less account than others of the laws of men in regard to religion, were exposed to the most cruel treatment. The jails were crowded with them, and became scenes of wretchedness, to which the interior of a modern slave ship affords almost the only resemblance; while every sect found itself harassed by the malignity of informers, by vexatious prosecutions, and by fines and imprisonments.

Even now, however, the cup of intolerance was not full. Most of the ejected clergy continued to reside in the midst of the people who had been their former charge, and gave so much of a religious character to their more frequent intercourse with them, as in some measure to supply the want of the services which they had been accustomed to afford as preachers. By this means also they continued in the way of receiving much of that pecuniary support of which they were expected to be wholly deprived by their ejection; and as their presence among their people was that of men who were suffering great hardship on account of their honest piety, their influence was considerable in all parts of the country, particularly in the cities and towns.

Nor were these the only circumstances which served to keep alive the feeling of hostility in their opponents. During the recess of parliament in 1665, many of the parochial clergy fled from the capital to avoid the ravages of the plague, while most of the ejected ministers chose to share in the danger of their friends. In the midst of the excitements and disorder which prevailed, some of the non-conformist ministers ascended the vacant pulpits, and preached to multitudes, who, with the earnestness of those who deem themselves perishing, called upon them for spiritual aid. The passions of devout men addressing an auditory in such circumstances would not be always under due control; and it is said that in many instances these preachers described the spreading pestilence as the effect of the Divine anger, provoked by the licentiousness of the court, and the injustice of the ruling powers. Such comments, if indulged at all, were uttered by a few only, but they were seized as a pretext for punishing the many.

The parliament, to escape the infection which was depopulating the metropolis, held its next session at Oxford, and among its earliest proceedings, was the passing of a bill which re-
 act. The five-mile
 Oct. 30, 1665.
 quired every person in holy orders who had not complied with the act of uniformity, to take the oath of passive obedience, and to bind himself against making efforts of any kind to introduce change in the

* Stat. 16, Car. II. c. 1. 4. Baxter's Life, part ii. 433—436. Clarendon's Life, ii. 296—304. Burnet, i. 178—183.

government of the church or the state. The persons refusing this oath were prohibited from acting as tutors or schoolmasters, and were not to be henceforth seen within five miles of any city, corporate town, or borough sending a member to parliament. By this means most of the ejected clergy were banished to obscure villages, where they were not only separated from their friends, but generally surrounded by a people sunk in the grossest ignorance, and sufficiently inclined to make them feel the effects of the most vulgar and rancorous bigotry. This malignant statute was strenuously supported by Sheldon, now archbishop of Canterbury, and had the approval of Clarendon. The earl of Southampton opposed it with all his influence—unhappily without effect*.

While ecclesiastical affairs in England were conducted in a manner which betrayed so much contempt of religious scruples, and so little regard to the obligations of truth and justice, the reader will not expect to find the policy of the government in relation to the general affairs of Scotland and Ireland of a more honourable character. The presbyterians of Scotland, in common with the great majority of their brethren in England, had always shown an equal hostility to the yoke of prelacy and to the license of toleration; and from the time when the ruling power in England passed into the hands of the independents, they had proclaimed themselves zealous royalists. In Scotland, presbyterianism possessed the advantage of being the ecclesiastical polity established by law from the time of the Reformation. It was endeared to the mass of the people by many affecting recollections. It is true its advocates at the Restoration had reason enough to suspect that the king would not be found to participate in their excessive zeal as the sworn adherents of the league and covenant; but when the attachment of the nation to presbyterianism was considered, together with the strong proofs of loyalty which it had manifested, every man seemed to be confident that whatever might be the changes attendant on the return of the king, the kirk would be secure, and that the greatest evil which could befall it would be the possible necessity of

* Stat. 17, Car. II. c. ii. Collier, ii. 394. The attempt to impose the oath of non-resistance, as enforced by this statute, upon the nation, as well as upon the clergy, magistrates, &c., was frustrated by a majority of three voices only. Lord Ashley (Shaftesbury) opposed this scheme in the upper house, and lords Wharton and Southampton resisted it in a spirit worthy of better times.—*Parl. Hist.*, iv. 328. The following passage is descriptive of the state of things which became common to every county in the kingdom:—"Mr. Tavener, late minister of Uxbridge, was sentenced to Newgate for teaching a few children at Brentford, but paying his fine prevented. Mr. Button, of Brentford, a most humble, worthy, godly man, who never had been in orders, or a preacher, but had been canon of Christchurch in Oxford, and orator of the university, was sent to gaol for teaching two knights' sons in his house, not having taken the Oxford oath. Many of his neighbours at Brentford were sent to the same prison for worshipping God in private together, where they lay many months. I name these because they were my neighbours."—*Baxter's Life*, part iii. 1—13. Baxter then resided at Acton. Pepys writes in August, 1664: "I saw several poor creatures carried by by constables for being at a conventicle. They go like lambs, without any resistance. I would to God they would either conform, or be more wise, and not be caught!"

abridging the coercive power of the presbyteries, and of granting, on their own part, some indulgence to tender consciences.

Charles was advised, by the earl of Lauderdale and others, to conform his administration on this material point to the wishes of his Scottish subjects. The counsel of Clarendon, however, strengthened by that of Sharp, afterwards the archbishop, prevailed. It was resolved that presbyterianism, to which the people clung with so much fondness and tenacity, should be put down, and that an Anglican episcopacy, though loathed by them hardly less than popery itself, should be established in its place. But it required both time and management to bring about this change. The more turbulent of the ministers were known by the name of "protestors;" and means were employed to awe those dangerous persons into obedience, while the more moderate were lulled into a state of false confidence, much in the manner of their brethren in England, by the use of language artfully adapted to raise hopes which were never to be realised. It was natural that the presbyteries of Edinburgh, and of Scotland generally, should be filled with joy as they listened to the reading of a letter from the king in which his majesty expressed himself as follows:—"And because they Aug. 10, 1660. who by the countenance of usurpers have disturbed the peace of that our church, may also labour to create jealousies in the minds of well-meaning people, we have thought fit by this to assure you, that by the grace of God we resolve to discountenance profaneness, and all contemnners and opposers of the ordinances of the Gospel. We do also resolve to protect and preserve the government of the church of Scotland, as it is settled by law, without violation, and to countenance in the due exercise of their functions all such ministers as shall behave themselves dutifully and peaceably as become men of their calling. We will also take care that the authority and acts of the general assembly at Dundee in 1651, be owned, and stand in force, until we shall call another general assembly, which we propose to do as soon as our affairs shall permit*." The ministers could not fail to regard this language as a most unequivocal pledge to preserve their polity inviolate, and accordingly in their address to the king they expressed themselves in terms of the warmest gratitude and attachment.

But the character of the men who were called to the parliament which met in January, 1661, and the course of proceedings in that assembly, tended much to disturb this feeling A parliament. of security. The earl of Middleton acted as commissioner; and his leading colleagues were the earls of Lauderdale, Glencairn, Crawford, and Rothes. In the hands of these persons the parliament proved to be perfectly manageable, the few who might have raised their voice on the side of the kirk, or in the hope of preserving some remnant of civil

* Wodrow, i. 1—13.

freedom, being deterred by a fear of the penalties to which their past conduct had exposed them.

By a series of acts, passed in quick succession, the crown was not only restored to all the prerogatives claimed in its behalf previous to the civil war, but its power was so augmented as not to leave to the subject the semblance of liberty, the doctrine of passive obedience being coupled with a prohibition of all meetings for conference on public affairs as contrary to law. All persons holding office were required to avow their approval of the slavish tenets thus put forth by subscribing to them, and even the league and covenant was virtually annihilated. These measures prepared the way for the memorable "Recissory act," by which all that had been done in the parliaments of Scotland since 1640 was declared void, and the kirk was at once placed in subjection to those laws which in the reign of James the First, and in the early years of his successor, had grafted episcopacy, in a slightly modified form, on the presbyterianism of the Scottish establishment. This measure was more opposed than those which preceded it, mainly on the ground that the sanction of the crown had been repeatedly given to the provisions which it was framed to rescind. But it was maintained that those concessions had been made while the crown was subject to constraint, and that in consequence they were not to be regarded as binding. The independents had often forewarned their high-minded brethren the presbyterians, that, on this plea, the cavaliers would not fail to undo in the day of their power, whatever had been done against them in the day of their weakness. That plea, disingenuous as it may be, was now openly urged, and with complete success. The men who had been thus deceived looked around with astonishment and dismay, and would have exposed and resisted the iniquity of the snare in which they were taken, but they found their synods suppressed, and their call for a general assembly treated with derision. The assembly of the estates which did these things was called the "drunken parliament," so common was it for its members to be seen deciding on questions of law and religion amidst the fumes of intoxication*.

This submission on the part of the Scottish parliament and people may be attributed in great measure to the intimidation held out by the arrest of the marquis of Argyle and of James Guthrie, the former the most popular of the nobility who had avowed adherence to the covenant, and the latter one of the most effective preachers among the less moderate of the Scottish clergy. The part which Argyle had taken with the covenanters, and particularly against Montrose, and the degree in which he had recognised

* Wodrow, i. 13—37. Clarendon's Life, ii. 98—101. Baillie's Letters, ii. 444—450. Burnet, i. 106—117.

the power of the Cromwells, made him an object of special resentment with the royalists in both kingdoms, while his abilities, together with his active and independent temper, seemed to render it improbable that he would be found to conform himself quietly to the new course of affairs. On his appearance at Whitehall, a few weeks after the Restoration, for the purpose of presenting himself to the king, he was placed under arrest and lodged in the Tower, and after the delay of several months, and much deliberation, he was sent to be tried by his enemies in the Scottish parliament.

The most material of the charges on which the prosecutors of Argyle affected to rest their judgment against him were not proved; nor could the substance of any of them have been made capital, except by the aid of that foul blot in the history of Scottish legislation—the law against “leasing making,” which exposed a man to the punishment of death if convicted of speaking disrespectfully concerning the king, or the persons belonging to his government*. It was felt that further evidence was desirable. Several letters were now supplied by general Monk, received by him from the marquis some time before, in which were some strong expressions hostile to the claims of the exiled family, and favourable to those of the ruling powers. But there was nothing in this new piece of treachery on the part of that despicable person, to prevent any man from seeing that the legal guilt or innocence of the accused was in fact a point of small consideration with his opponents. Their determination, arising in part from their hatred and partly from their fears, was to put him out of the way, and he was condemned accordingly.

Two days only intervened between the sentence and the execution. The enemies of the sufferer sometimes spoke of him as deficient in courage; but his conduct on the scaffold belied the imputation, and so great was the sympathy in his favour among the people, that his prosecutors, though they exposed his head in the place where that of his great rival Montrose had been exhibited, abstained, in other respects, May 27, 1661. from making any show of exultation over his fate. The marquis died professing his attachment to the kirk and the covenant†.

James Guthrie was sentenced to die, as having given publicity to opinions concerning the powers of the church and of the crown incompatible with civil subordination. During his trial, and upon the scaffold, Guthrie renewed his avowal of the obnoxious tenets which he had been accustomed to inculcate. Among his followers, his memory was long revered as that of a martyr to the covenant—the symbol, in their esteem, of the only true christianity.

* See pp. 295 and 296 of this volume.

† Wodrow, i. 6. Burnet, i. 122–125. Howell's State Trials, v. 1369–1508. See the character of Argyle, as drawn by Clarendon, *Contin. of Life*, ii. 98–101, and with more fairness by Laing, *Hist.* iv. 11–16; for the conduct of Monk, see Mackenzie's *Memoirs*, 39, 40; and Baillie, ii. 451–453.

The government, having diffused terror among the covenanters by these severities, prorogued the parliament. Sharp, so familiar had he become with dissimulation, still professed himself an ardent friend of the kirk, and assured his brethren, that everything hitherto done, had been done with a view to its more secure establishment, no act in relation to it since 1640 being sufficiently free from exception to serve as a sure foundation for all time to come. But on his appearance before the king, this man, in common with Middleton and Glencairn, urged the monarch, with much vehemence, to lose no time in restoring the episcopacy of the Scottish church as set up by James the First, and as confirmed in the next reign. Lauderdale, Crawford, and the young duke of Hamilton, saw the danger of such an undertaking, and, influenced by their counsels, the king began again to hesitate. But the zeal of Sharp, strengthened by that of Clarendon, and, we regret to add, by that of the duke of Ormond, in the end prevailed.

Charles despatched a letter to the Scottish council by the hands of Sharp and the earl of Rothes, which declared his fixed purpose to restore the church of Scotland to its right government by bishops, after the manner settled by law previous to the late troubles. In this document the king endeavoured to reconcile his present conduct with his previous declarations. If his subjects should view his present course of proceedings with surprise, they were admonished that it became them to remember that he was still acting according to the promise which bound him to support the religion of the country as established by law, the change which had taken place being not in him, but in the law, by reason of the subsequent acts of the legislature! The council issued a proclamation to the effect of the king's letter, and adopted vigorous measures to suppress every indication of the disaffection which it was foreseen would ensue on its publication. Sharp obtained the reward of his perfidy in the primacy of the Scottish church; and had still the effrontery to represent himself as taking that burden upon him, purely that he might employ his new powers for the behoof of his brethren! These powers, both in the case of the archbishop and of his suffragans, were so much greater than those with which their predecessors before the civil war had been invested, that from January, 1662, the presbyterian discipline in Scotland may be said to have been at an end. In the administration of discipline the prelates were left to avail themselves of the counsel or assistance of the inferior clergy at their own discretion, and, as the conclusion of these memorable proceedings, were invited to resume their seats in parliament as a branch of the legislature. It will not be questioned that the government of Scotland at this juncture required the exercise of a strong hand. But in this policy everything was bad. The fondest hopes of the people were blighted,

and their religious feeling shocked to the last degree. The laity who were active in effecting this change were, for the greater part, the most vicious men of their times; on the episcopal bench there was not a man, with the exception of Robert Leighton, whose character could tend to reconcile the people to their authority, while the inferior clergy, who consented to be forced upon a reluctant community, were commonly the most incompetent and immoral of their order.*

If the feeling opposed to episcopacy and to arbitrary power in Scotland was not sufficient to prevent the adoption of such measures in that country, we must not hope to see the ^{Affairs of Ire-}land. affairs of Ireland conducted on any better principle. The puritan interest in that kingdom had become considerable during the last twenty years, but availed little as opposed to the resolution which was now formed to restore protestant episcopacy and the liturgy as the only tolerated polity and worship. In Ireland, the questions which occasioned the greatest difficulty, were those relating to property. The changes in this respect since the time of Strafford were so numerous and complicated as to afford little prospect of a satisfactory settlement. The protestants were divided into two great classes, the old inhabitants and the new adventurers; and these were distinguished from each other as royalists or parliamentarians, and by their religious preferences as episcopalians or puritans. Nor were the catholics more exempt from the elements of discord. These parties had crossed and re-crossed the path of each other during the revolutions of the last twenty years, and each now looked upon his neighbour with an augmented feeling of resentment or distrust, and all became petitioners to the equity or the favouritism of the government, for the confirmation of alleged rights, or the redress of alleged grievances.

In a declaration framed to meet these jarring pretensions, the monarch divided the claimants into six classes:—the adventurers, who had purchased their possessions on securities held out to them by the government; the soldiers and officers, who were possessors of land in lieu of arrears; the protestants, embracing the classes of nocents and innocents; and two classes of catholics. The publishing of this declaration was followed by tedious debates and litigations. Each party sent their delegates to the English court, either to secure their interests as provided for in the royal declaration, or to protect themselves against the losses which they saw reason to apprehend from the nature of that document. The catholic party managed their cause with singular indiscretion, and were perhaps the greatest sufferers; but no party was satisfied, not even the adventurers and soldiers, for whom the greater

* Baillie's Letters, ii. 457—461. Wodrow, i. 92—118. Burnet, i. 130—158. 375, 376. "Sydsersfe was removed to be bishop of Orkney. Sharp was ordered to find out proper men for filling up the other sees. The choice was generally very bad." *Ibid.* i. 240.

provision appeared to have been made. When the declaration obtained the sanction of parliament, its execution was assigned to a body of commissioners unconnected with Irish affairs, who, as they failed to obtain unmixed approbation from any class of litigants, may be presumed to have discharged their trust with tolerable equity. It appears that under the commonwealth nearly half the profitable lands of Ireland were forfeited. About one-third of these lands were granted to the Irish, the remainder became the fixed property of the English.*

It was not possible that questions of this nature should be brought to any kind of settlement, without spreading a large measure of discontent over the three kingdoms. At the same time, the arbitrary temper which characterised the general proceedings of the government, in relation both to civil and ecclesiastical affairs, not only confirmed the hostility of those who had predicted some such course of events, but served to justify their pretensions to more sagacity than their neighbours, and everywhere added to the number of their partisans. Accordingly, little more than twelve months had passed since the return of the king, when an impartial observer expressed himself concerning the manners of the court, and the feelings of the people, in the following terms: "At court, things are in a very ill condition, there being so much emulation, poverty, and the vices of drinking, swearing, and loose amours, that I know not what will be the end of it but confusion. The clergy also are so high, that all people I meet with protest against their practice. In short I see no content or satisfaction anywhere, in any sort of people."†

The large expenditure of the government, and the consequent burden of taxation, would not be regarded favourably during such a state of popular feeling. The convention parliament had found it less difficult to name 1200,000*l.* as the future revenue of the crown, than to fix on the sources from which that sum should be obtained. Three-fourths only of the specified amount reached the treasury during the first year; and the indolence of the king, together with the sort of connexions which his strongest propensities disposed him to form and perpetuate, never failed to make his occasional promises on matters of economy of small effect. His debts at the Restoration were considerable, and to these the expenses of his coronation and some others were added. In the mean time, a large amount of arrears had become due to the army; while the naval force was sinking rapidly to decay, and the stores were so far exhausted that five ships could not be fitted for sea without great difficulty. This want of money, which beset the king in

* Carte's Ormond, ii. 205—315. Leland, iii. chap. 3. The substance of the English Act of Uniformity was adopted and enforced in Ireland. Collier, ii. 874. Through the influence of the lord-primate Bramhall a resolution was passed which required the members of the Irish parliament "to receive the sacrament of the Lord's Supper from his grace's hands." Rawdon Papers, 157.

† Pepys, i. 115. 141. 284, *et alibi*.

the first year of his reign, attended him to the end of his days, and was not more unfavourable to his contentment as a man than to his reputation as a sovereign—so disgraceful were the means to which he at length descended in the hope of diminishing his embarrassments.

But it should be observed, as a material fact in our history, that this profligacy of the court operated strongly in favour of the ultimate liberty and prosperity of the nation. It served by degrees to moderate the excessive feeling of loyalty everywhere manifest at the Restoration, and, by giving rise to a party whose professed object was to watch over the interests of the “country,” as distinct from those of the “court,” prepared the way for the Revolution of 1688, the Act of Toleration, and the Bill of Rights. What would have been our present condition, had the character of Charles the Second been that of another Henry the Seventh? *

In the spring of 1661 Charles became the husband of the infanta of Portugal—partly in compliance with the wishes of his council, who hoped by this means to impose some restraint on his licentious habits, and partly in the expectation of deriving a seasonable supply of money from that source. Catherine, the new queen, was described by the king, soon after his first interview, as a person possessing “as much agreeableness in her looks as he had ever seen,” and a countenance which bespoke her “as good a woman as ever was born.” The conduct of the monarch toward this amiable and defenceless woman is one of the worst points in his character, and shows that he was not incapable of descending to the meanest acts of cruelty when sufficiently prompted by selfishness. The people were reconciled to a catholic alliance by the prospect which it opened to them of a free trade with part of Africa and of the East Indies, as well as with Portugal and her colonies. But Charles himself derived little of the kind of aid from his marriage which he had hoped to obtain. The fitting out of an armament to aid the Portuguese fleet in the Mediterranean, and of another to take possession of Tangier and Bombay, which had been ceded to the crown of England by the marriage treaty, consumed a great part of the 350,000*l.* which he had received with the princess as the pecuniary portion of her dower.

Clarendon shared in the distress of his sovereign, and the more as it

* “Sir Thomas tells me, in good earnest, that he believes the parliament (which comes to sit again next week) will be troublesome to the court and the clergy, which God forbid! But they see things carried so by my lord-chancellor, and some others, that they will not endure it.” Pepys, Nov. 13, 1661. “Great jealousies now in the parliament-house. The lord-chancellor, it seems, taking occasion from the late plot to raise fears in the people, did project the raising of an army forthwith, beside the constant militia, thinking to make the duke of York general. But the house said, in very open terms, they were grown too wise to be fooled again into another army, since they had found that a man commanding an army need not be beholden to any one to make him a king.” *Ibid.* Jan. 22, 1662.

was rumoured by his enemies that, had the government availed itself of the feeling which accompanied the restoration of the monarchy, the recurrence of such difficulties would have been prevented. It was

commonly said, that a plan had been matured at that juncture to render the king independent of the parsimony and caprice of parliaments, by securing to him a revenue

of two millions a-year; that even Southampton had concurred in the project; but that the whole was frustrated by the chancellor, who said that to place the king in such circumstances would be to make him independent, not only of parliament, but of men of character as his ministers, and to deliver everything into the hands of the profligate retainers of the court. It is probable that there was some truth in this rumour, and Clarendon's opposition to such a proposal might have resulted from the cause mentioned; or he might have been sagacious enough to see that, favourable as the feeling of the moment may have been, the intention of such a scheme would have been too obvious, so much so as not only to have ensured its failure, but to have generated deep suspicion and hostility. Certain it is, that in 1662 talk of this nature was common, and the ear of the king was familiar with insinuations which pointed to the chancellor as the main cause of his difficulties.*

In an evil hour Clarendon suggested that Dunkirk, then in possession of the English, should be sold to the French, and the purchase-money applied to meet present exigencies. Charles consented: the council was divided; and every man betrayed his solicitude to be free from the responsibility of the project. The sale, however, was effected at the sum of 500,000*l.* The chancellor exercised his utmost ingenuity to separate himself from the odium connected with this transaction; but the people looked upon him as its chief agent, and documents since made public have justified the common impression. The popular indignation gave the name of "Dunkirk House" to a superb mansion built by Clarendon about this

* See the account of this matter in Burnet, i. 160; in Welwood's *Memoirs*, 126, 127. Clarendon himself makes no mention of it in his *Life*, but we find it credited very generally from his own time to the present, though the account in Pepys differs a little from that given by the writers above mentioned:—"Sir W. Coventry did tell me it as the wisest thing that was ever said to the king by any statesman of his time; and it was by my lord-treasurer that is dead, whom, I find, he takes for a very great statesman, that when the king did show himself forward for passing the act of indemnity, he did advise the king that he would hold his hand in doing it, till he had got his power restored that had been diminished by the late times, and his revenue settled in such a manner as he might depend upon himself without resting upon parliaments, and then pass it. But my lord-chancellor, who thought he could have the command of parliaments for ever, because, for the king's sake, they were willing to grant for a while all the king desired, did press for its being done, and so it was; and from that time the king was able to do nothing almost with the parliament." iv. 276, 277. One may hope that the facts of this case were not quite so unfavourable to Coventry and Southampton as the above representation would make them. It is only substantial truth, probably, that we find in any of the accounts that have reached us. See in the Rawdon papers an instance of the manner in which the earl of Bristol sometimes adverted to this topic in the hearing of the king, 164.

time as his residence; but we have no proof of its being built, as was generally believed, with bribe-money received from the French king. The sole object of the minister in this proceeding appears to have been to relieve the wants of his master.*

CHAPTER III.

The Commons claim the right to inspect the public accounts—Call for war with the Dutch, large supplies voted—Change in the Mode of Taxation—its effect on the political power of the Clergy—the Commons establish their right to appropriate the Supplies and to examine public accounts—Origin of the War with Holland—Sea-fight off Yarmouth—Produces no decided effect—Immoral aspect of the War—Sea-fight of four days—Defeat of De Ruyter by Monk and Prince Rupert—Mistaken policy of the English Government—The Dutch in the Thames and Medway—End of the War—General discontent. The Plague in London, its course and extent—its symptoms—means employed to counteract it—its effect on the People—it abates. The great Fire—its origin—its progress and extent—Distress and Consternation of the people—Conduct of the King and the Court. Effect of the conclusion of the War on the popular feeling—Unpopularity of Clarendon—Death of Southampton—Fall of Clarendon unavoidable—He is abandoned by the King—Impeached by the Commons—Leaves the Kingdom—Conduct of the French Government toward him—Remainder of his days.

It has appeared that during the first seven years of this reign, both the government and the legislature discovered a growing spirit of intolerance in matters of religion. There were circumstances, however, even during that interval, which bespoke the returning vigour of the Constitution. The men who were so forward to enact laws which seemed to account every shade of dissent from the established church as so much political delinquency, were anxious to protect and encourage the national industry, and were not only moderate, all things considered, in their grants as guardians of the public money, but soon began to manifest a disposition to adopt measures with a view to secure the application of the sums voted to their specified objects. So many were the complaints preferred by the commons in the session of 1663, and so considerable was the check which the house evinced a determination to impose on the exercises of the prerogative with regard to all matters of taxation and expenditure, that Charles adverted in terms of deep regret to these signs of a falling off from their old alacrity in his service. By fair promises, however, by complying with several of the demands made upon him, and more especially by professing a willingness to submit the public accounts to the inspection of a committee, the king succeeded at that time in obtaining a grant of four subsidies. No further grant was made when the

The commons claim the right of inspecting the public expenditure.

* Clarendon's Life, ii. 383—391. Papers, xxi.—xxv. Lettres d'Estrades, *ubi supra*. Combe's Sale of Dunkirk. Pepys, ii. 369.

two houses were assembled in the early part of the following year, but the monarch was permitted, agreeably to his wish, to collect the hearth-money—a tax of twenty shillings yearly upon every chimney—by his own officers. Charles hoped to derive a large increase of revenue from this change; but his expectations were only partially realised, while the conduct of his agents served to render the tax the most odious of his reign.*

When the parliament assembled on the twenty-fourth of November in the same year, the people were loudly demanding that war should be immediately declared against the Dutch. Charles assured the commons that his poverty, the probable expense of the war, and the debts which he had already incurred in prospect of it, made it indispensable that a grant of not less than 800,000*l.* should be placed at his disposal; and so prevalent and so strong was the desire to commence hostilities, that on the second day of the session that sum was voted as the annual grant toward the expenses of the war for the next three years. But to name the sources from which this extraordinary contribution should be raised, furnished occupation to the commons during nearly three months.†

Consequent upon the plan ultimately adopted, a great change was introduced in our mode of taxation. The old method of raising money by subsidies ceased. We hear no more after this time of tenths or fifteenths, but of monthly assessments, and of contributions levied in the manner of our present system. It was natural that the royalists should recur to the ancient practice of the Constitution, restoring to the clergy their former rights in regard to taxation. But the history of the Long Parliament pointed to more certain and easy methods of bringing the resources of the country

* Parl. Hist. iv. 253. 288. "There have been more pains and unusual ways taken to kindle the old fatal fears and jealousies than I thought I should ever have lived to have seen, or at least to have seen so countenanced."—The king's speech at the prorogation in July 1663. "This month (May 31) the greatest news is the height and heat that the Parliament is in, in inquiring into the revenue, which displeases the court, and their backwardness to give the king any money." Pepys, ii. 45. 52, 53. 55, 56. Ralph, 189-191. But, jealous as the parliament had become of the court, it complied with the wishes of the king at this time in repealing the triennial bill, as "derogatory to the prerogative of the crown." Another bill however was adopted which required, in less obnoxious terms, that the meeting of parliament should not be intermitted more than three years. Charles stated to the parliament that the imperative provisions of the former act were particularly unacceptable to him, as they tended "to persuade foreign princes that England was not governed under a monarch." Clarendon, who had contributed to the passing of this bill, was now vehement in calling for its repeal. Parl. Hist. iv. 292. Arlington's Letters, ii. 19.

† Parl. Hist. iv. 292—308. The exact sum voted was 2,477,500*l.*, to be paid in twelve quarterly payments, commencing from the 25th of December last. The king published his declaration of war on the 22nd of February. It was observed that, in the list of twenty-two privy-councillors whose names were attached to it, those of Clarendon and Southampton were not found. Arlington's Letters, ii. 61. 64.

to the aid of the government than by means of subsidies, and at this juncture the utility of the precedent served to counteract the general prejudice with regard to its origin.

In the train of this change, however, followed another, not less worthy of observation, affecting the rights of the clergy. According to ancient usage, undisturbed from very early times until the recent troubles, the clergy were not liable to be taxed, except by a vote of their representatives, assembled as the two houses of convocation. With regard to supplies, in common with everything connected in any manner with the secular interests of the laity, the resolutions of the convocation depended for their efficiency on the sanction of parliament. But the clergy could not be taxed in any case without the consent of the body by which they were separately represented. In the new system it was not easy to act upon this distinction between lay and clerical property, and, to meet the exigency of the hour, the clergy were prevailed upon to suspend the exercise of their right in this particular. But the power thus placed in abeyance was never resumed; and it no sooner ceased to be necessary that the clergy should be assembled in order that the property of the church might be made to bear its part in the burdens of the state, than the proceedings of the two houses of convocation sunk into a matter of mere form. With the loss of their power to grant money, all their other functions seemed at once to have expired, and from that time the only apparent purpose of their meeting has been to receive a message from the sovereign, as the head of the church, which has dismissed them from time to time to the sphere of their pastoral duties. This important change in the ecclesiastical constitution is remarkable, not only as it took place almost imperceptibly, without the interference of any direct law on the subject, but in an age when zeal in support of the church was carried to an extreme unknown in our history since the accession of Elizabeth. In consequence of the loss thus sustained, the clergy obtained their right of voting as freeholders at elections.*

Its effect on the political power of the clergy.

It was during this session, and the session of the following year, that the commons succeeded in establishing their right to appropriate supplies to particular purposes, and also to appoint commissioners for auditing public accounts. Precedents of this nature had occurred under the Plantaganet princes, and the practice had been resumed by the parliament assembled a little before the death of James the First. Clarendon opposed the revival of this usage with great vehemence, denouncing it as a course of proceeding which must prove deeply injurious to the crown. But Charles flattered himself that promises concerning the objects to which public money should be applied

The commons establish their right to appropriate supplies, and to inspect public accounts. 1665 —1666.

* Echard, Hist. England, p. 818. Ralph, i. 109.

might be in most cases easily evaded, and as the sum required was not to be obtained without great difficulty, if at all, except on this condition, it was complied with. The consequences were of the highest importance to the future power of the parliament, and to general liberty. From this time it became an acknowledged rule that the money voted by the commons should be voted to specific objects: this made it necessary that estimates relating to the sums required for those objects should be laid before the house; and also that the public disbursements should be subject to examination; and from the whole there resulted to parliament the means of placing a considerable check on every branch of public expenditure. It was not until the session of 1666, when there was abundant reason to suspect that no small portion of the money voted in aid of the war with the Dutch had passed into the hands of mistresses, and been otherwise misapplied, that a committee of examination was appointed. Charles and his court availed themselves of every possible expedient to prevent this scrutiny, but without effect. By this time four millions had been voted and raised in support of the war, but of the manner in which two millions three hundred thousand pounds of that money had been expended no account could be given.*

The hostilities which made it necessary that the parliament should grant such large sums of money, and that the government should submit to this parliamentary control in matters of expenditure, owed their existence in part to the close alliance which subsisted between the United Provinces and France, but much more to the jealousy with which the English and Dutch, as the

* Parl. Hist. iv. 334, 337, 338. Pepys, writing on September 23, 1666, says, "Mr. Wayth and I by water to Whitehall, and there at Sir G. Cartaret's lodgings sir W. Coventry met, and we did debate the whole business of our accounts to the parliament, where it appears to us that the charge of the war, from September 1664 to this Michaelmas, will have been 3,200,000*l.*, and we have paid in that time somewhat more than 2,200,000*l.*, so that we owe above 90,000*l.*: but our method of accounting, though it cannot, I believe, be far wide from the mark, yet will not abide a strict examination, if the parliament should be troublesome. Here happened a pretty question of sir W. Coventry, whether this account of ours will not put my lord treasurer to difficulty to tell what is become of all the money the parliament have given in this time for the war, which hath amounted to about 4,000,000*l.*, which nobody there could answer." The same writer states, in an entry of the next month, that the moneys unaccounted for were 2,390,000*l.*, and that, when the country party was demanding the appointment of commissioners to inspect these accounts on oath, it "made the king and court mad; the king giving order to my lord chamberlain to send to the playhouses and b—— houses, to bid all the parliament men that were there to go to the parliament presently; but it was carried against the court by thirty or forty voices." We may safely conclude that many items introduced to bring the accounts even into this state would not "bear a strict examination." The sum of 40,000*l.* had been lately put down to the queen, instead of 4,000*l.*, and was corrected at her command. This was no doubt done with the king's knowledge, and at a time when he was wasting the queen's jointure on the instruments of his pleasures. The earl of Southampton offended the lady Castlemaine, and the king hardly less, by refusing to honour the orders of that profligate woman for the payment of her bills from the privy purse. Pepys, Sept. 23, Oct. 8, 10; also pp. 216. 277 278, *et alibi*.

great commercial powers of Europe, regarded each other. France and Spain were still the leading states of the continent, and the states of the Netherlands, in common with all the lesser powers in the south of Europe, were in alliance with the one or the other of those monarchies. Denmark, Norway, Sweden, and Russia, forming almost a world of their own, acted more independently; but among the states that were so situated as to be exposed to more immediate interference on the part of France, or from the house of Austria, the protestants, in general, continued to take part with the former, and the Catholics with the latter. These circumstances made the alliance of England of the utmost importance—in fact, the questions of war and peace, as affecting Europe at large, might have been kept almost at her disposal. But, while subject to such counsels as began to prevail soon after the Restoration, it was not to be expected that a wise use would be made of these advantages.

The principal causes of the war which commenced between England and Holland in the spring of 1665 are sufficiently obvious, but the particular acts of aggression on which each party attempted to justify proceeding to avowed hostilities are so many and so variously represented, as to make it doubtful on which side the greater blame in that respect may be said to have rested. De Witt, the great minister of Holland, was at the head of the party opposed to the prince of Orange, nephew to the king of England; and from their solicitude to be at peace with the English commonwealth, had put frequent discourtesy upon Charles and his followers during their exile. Of late also they had permitted the exposure of caricatures which exhibited the English monarch as the captive of his mistresses, sunk in lethargy, and harassed by the want of means to satisfy the avaricious importunities of his chosen associates. Added to these considerations there was much in the puritanical complexion of the religion which prevailed in those provinces, and in the republican temper of their government, to render them unacceptable; while the prospect of a popular war, held out the promise of large supplies, no mean portion of which might be readily diverted from public objects into channels of private gratification. The duke of York shared in all the disaffection of the king with regard to the people of Holland, and, as head of the English African company, was further disposed to encourage the passion for war on account of a claim to share in the trade on the coast of Guinea which that company had asserted, but which the Dutch had shown themselves disposed to resist. At the same time, English traders were opposed to the Dutch as their great rivals in every quarter of the globe, and the latter, much as they appeared to deprecate a war with England when it seemed to be approaching, had not by any means so restrained their cupidity as to avoid furnishing strong grounds of complaint to such as were desirous from other causes of proceeding to extremities. English merchants set forth a long list of damages said to have been inflicted on their trade and property, under various pretexts,

by the Dutch, and described the proceedings of that people in all parts as characterised by unprincipled monopoly and aggression. Complaints to this effect were laid before a committee of the house of commons, and were reported to be well founded. These complaints were heard during the last week in March, and three weeks later the English parliament pledged their lives and fortunes in support of the efforts of the government to obtain a redress of the "wrongs and dishonours" which had been thus sustained.

The Dutch, although professing a great desire for peace, employed themselves in making the most vigorous preparations for war. England was not less active. Some months before, sir Robert Holmes had been despatched by the African company to secure their possessions on the Guinea coast; and it was ascertained about this time, that the alleged discovery of hostile intentions on the part of the Dutch governor had led the English admiral to extend his operations in that quarter somewhat beyond the line of the defensive. The Dutch complained; and Charles promised inquiry, and restitution to all who should be found to have been injured. This promise appeared to give satisfaction, as one article in the treaty between the States and England in 1662, provided that, upon any complaint between the two powers, twelve months should be allowed for investigation and adjustment, before either party should proceed to any act of hostility. But De Witt was not disposed to abide by that provision. According to an arrangement made some time before, a fleet of thirty sail had been sent, under the command of De Ruyter, to the Mediterranean, to join the English admiral, Lawson, in punishing the Algerines. The government of England had been observant of the manner in which this fleet was equipped, and entertained little doubt that, under cover of the enterprise in the Mediterranean, it was destined to the coast of Guinea. In the month of August De Ruyter parted from Lawson under pretence of going in search of pirates near the Canary Islands. He sailed directly to the Guinea coast, expelled the English from their possessions, seized a number of their trading-vessels, and extended his aggressions to fort Cormantin, on the Gold Coast, which had always been in the possession of Great Britain. The news of these proceedings did not reach England before the middle of December. De Ruyter acted in this matter upon instructions received from De Witt; and D'Estrades, the French ambassador at the Hague, justly mentions this proceeding as the immediate cause of the war.*

All Dutch vessels in the English ports were now seized, and many traders on their way from foreign stations were captured, but war was not declared before the twenty-second of February. Early in May, the English

* "It is taken for granted here that De Ruyter has secret orders to go from the Mediterranean to Guinea, after he has taken in provisions for six months at Coles, under colour of making war upon the Moors of Salley." D'Estrades, from the Hague, Oct. 30, 1664, vol. i. pp. 254. 264. 276. 277. 280—394. Arlington's Letters, ii. 17—48. Ralph, i. 99—102. 105—109. Parl. Hist. iv. 297—307. Pepys, ii. 125.

fleet, consisting of nearly a hundred sail, put to sea under the command of the duke of York, prince Rupert, and the earl of Sandwich. During several weeks this formidable armament scoured the coast of Holland, but without provoking the appearance of an enemy. Toward the end of May the duke returned to Gunfleet, for repairs, and to take in water; and, the wind changing, the Dutch seized the favourable moment, left the Texel, and sailed in the same direction. The hostile fleets came within sight of each other on the first of June. On the following evening they were not more than two leagues apart, and something less than twice that distance from the coast near Yarmouth. Defeat of the Dutch on the 3rd of June.

At day-break next morning the English displayed their whole strength in an unbroken line. The Dutch squadrons, under the command of Opdam, the two Evertsons, Stillingwert, the younger Van Tromp, Schram, and Courtenaer, and including a hundred and thirteen ships-of-war, were marshalled in the same order. In both fleets were numbers, in youth and age, from the first families, who had volunteered as parties to a combat which was expected to determine the position of their country among the nations of Europe for ages to come. The night had been calm, the morning was clear and settled, the sea smooth, or only slightly disturbed by a steady wind blowing from the south-west: "a more proper day," says the duke, "for disputing the mastery of the sea was never seen."

The engagement commenced at two o'clock in the morning, but, in consequence of the efforts made on both sides to gain the advantage of the wind, it did not become general before ten. During the next four hours the duke and Opdam were steadily opposed to each other, and the battle raged with various success in every direction. About two o'clock several ships which had been disabled rejoined the duke, and renewed their attack on the squadron under command of Opdam with so much vigour, that the enemy began to give way, and at this moment the admiral's ship, under a well directed fire from the Royal Charles, was seen to blow up. The sight of that disaster completed the dismay; the flight became general; and the chase continued until nightfall. The English then slackened sail, in obedience, it was supposed, to the command of the duke, but, according to the account published by the duke and his friends, in consequence of the officious timidity and treachery of Brunker, groom of the bedchamber to his highness. It is certain that the effect of this error was to deprive the victory of the great advantage that might have been derived from it. More than eighty of the enemy's ships escaped, but not without great damage. About twenty of the most considerable were destroyed or taken, and six thousand seamen were killed, and four thousand made prisoners. The English lost one ship only, and it was said that their slain and wounded did not exceed eight hundred, but in that number were several persons of distinction. The earls of Marlborough, Portland, and Falmouth, lord Muskerry, sir

Thomas Lawson, and Mr. Boyle, eldest son to the earl of Burlington, were mortally wounded.*

In England the news of this victory was received with great exultation. Produces no In Holland it spread general alarm, and made the populace decided effect. clamorous for peace. Louis also began to look on this display of naval strength on the part of England with some apprehension, the possession of the sovereignty of the sea by the English being unavoidable, if the maritime power of the Dutch should be destroyed. His policy, accordingly, was to preserve the balance between them, and to use the one, as circumstances might require, in the way of a check upon the other. The war party in Holland placed the successes of De Ruyter in the spring, against the defeat of Opdam in the summer; and the English had so far concentrated their power in preparations for the late action, and were so much wanting in activity for some time afterwards, that the spirit of the Dutch merchants began to revive as they saw their vessels make their way to the Texel from all parts with so much less injury than had been apprehended. Thus, while the fame of their victory kept the English from entertaining the thought of concession; the Dutch, profiting by the inaction of their opponents, and encouraged by their acquisitions in Africa, and the friendly offices of France, were as little disposed as their enemies to think of a peace upon unfavourable terms†.

But the moral aspect of this struggle was everywhere lamentable. Immoral The passion which mainly impelled the Dutch and English aspect of the contest. was beyond doubt commercial ambition. In the indulgence of this passion the English were prepared to make war on a people whose institutions and general character were more in harmony with their own than those of any other state in Europe, and by whose alliance they might have preserved the balance of European politics on the side of protestantism, and of the principles of freedom. The Dutch and the French, on the other hand, notwithstanding they had been so assiduous since the Restoration in proclaiming their hostility to the parties who had ruled in England during the twelve years immediately preceding that event, now engaged in a secret negotiation, the object of which was to carry on a double war against the English monarch, the aid of France being extended, in various ways, to the Hollanders, and the influence of both governments being employed to weaken the government of England by prosecuting intrigues with the puritans, republicans, and all classes of disaffected persons in England, Scotland, and elsewhere. But

* Life of James I. 405—419. Ralph, i. 110. Pepys, ii. 274—282.

† D'Estrades states that he found De Witt and his party in great alarm on the return of their fleet, but that Van Tromp laid the whole blame of the disaster on the misconduct of the majority of the principal officers, and so revived the spirits of De Witt by his communications that he became "proud as ever."—Despatches, June 18th.

even this conduct, little as it accorded with the public principles of those powers, and especially with the private professions of Louis to his brother of England, was hardly disreputable, if compared with the affair at Bergen, where the Danes and the English, in the hope of suddenly seizing on the vessels and property of the Dutch in that port, were parties to a violation of good faith that would for ever have excluded a private person from holding any place in the society of honest men.*

The king of Denmark, in common with Louis, was the kinsman of the king of England ; but the Danish government, after descending to the treachery adverted to against the Dutch, entered into a treaty with the States and with France, which excluded the vessels of England from every port on the coast of Europe, between the extremities of Norway and Bayonne†. By this time Louis had of course thrown off the mask ; and it should be remarked that the policy of this monarch during his long reign contributed much to this general corruption of public principle, and, before the opening of the last century, had operated widely to prepare the way for those retributive changes which began to spread dismay over the cabinets of Europe toward its close. When the governing betray a recklessness in violating the great moral bonds of society, the governed must become dangerous, either as being equally corrupt, and disposed to encounter their superiors with their own weapons, or as being more virtuous, and prompted by their better nature to visit such delinquency with punishment. Jan. 26, 1666.

But though little can be said in favour of the principle or object of this war—the alleged matters of disagreement being such that a small portion of honesty and good sense might have sufficed at any time to have settled them—it was a contest which served to demonstrate the formidable resources of the leading belligerent powers, together with their high maritime skill and courage. On the 1st of June, 1666, the Dutch fleet, amounting to about eighty sail, was engaged by the English, with a force one-third short of that number, between Dunkirk and Ostend. The battle which ensued was maintained with the most determined spirit, and various fortune, during four successive days. On the second day, the Dutch received a reinforcement of sixteen ships, and the valour of the English began to give way before the equal courage and the greater force of the enemy. But on the day following, while Monk, the English admiral, thought of nothing better than shel-

* Ludlow, iii. 93. 134—139. Ralph, i. 116—119. The king of Denmark, while at peace with the Dutch, proposed to the English, that they should seize on the Dutch East India fleet, which, confiding in the faith of their ally, had put into Bergen. His Danish majesty was to protest loudly against the proceeding, as a matter which he had no power to resist, but trusted to the honour of his brother of England for the half the booty, as the price of his secret concurrence with it. Charles and his ministers entered eagerly into the scheme ; but jealousy as to the division of the spoil occasioned a failure of the enterprise. Clarendon's Life, iii. 529-536.

† D'Estrades, i. 313—536. ii. 1—320. Ralph, i. 116—120. Miscel. Aul. 433.

tering his ships from the pursuit of the enemy until they should reach some asylum on the coast, a fleet of twenty sail came in sight, which proved to be the squadron under command of prince Rupert. The English now became pursuers in the place of being pursued, though the balance of strength still lay on the side of their enemies. On the fourth day the fight was renewed, and maintained with the utmost obstinacy on both sides, until a mist separated the combatants from each other.*

The masterly conduct, and the great prowess, displayed in this memorable conflict, were such as had not been exhibited in the maritime history of modern Europe. Enough was done to make it manifest that the sovereignty of the sea might have been awarded with dignity to either power. But enough had also appeared to make it certain that no single battle could suffice to decide that question as the point at issue between such claimants. In this battle both parties assumed the honours of victory; and it is not easy to say, particularly if the great disparity of numbers on the first three days is borne in mind, on which side, upon the whole, the scale of reputation and advantage really turned, though the actual losses, both of men and shipping, was no doubt greatest on the side of the English.

Neither party required more than a few weeks to repair their ship-
ping: But to man them again by impressment, as was the
Defeat of De Ruyter by custom in England, demanded more time than was found
Monk and necessary for that purpose in Holland, where methods of
prince Rupert. enlistment prevailed much more worthy of a free people.
The English fleet, accordingly, when putting to sea on the twenty-fifth of July, were immediately encountered by the Dutch, who had taken possession of the mouth of the Thames some weeks before. There were about eighty ships-of-war in each fleet, beside fire-ships. In the battle which followed the Dutch acquitted themselves with their accustomed bravery; but the English, defied as they had been by the boldness of this approach, fought with the resolution of men who felt that they had been insulted upon their own coasts, and, stung with this reproach, would think of nothing but victory as the means of removing it. As the day waned, it became manifest that their object would be realized. De Ruyter, in the agony of despair, was compelled to set the example of hoisting his sails to the wind. All night he was closely pursued by Monk and prince Rupert, who, with the return of day, kept up a continual fire upon the fugitives, until the shallows of their own dangerous coast afforded them a protection. During several weeks the English admirals were seen riding in triumph almost upon the shore of their enemies; and in a channel between Ulie and Schilling, near the town of

* "With this despatch your excellency will receive an account of our late engagement at sea, not so prosperous as our own confidence foretold it would be, nor yet in any degree so bad as the enemy relates."—Arlington, ii. 180. Pepys, ii. 402, 403, 405—435. D'Estrades, ii. 521, 529, 530, Ralph, i. 129—132. Life of James I. 423, 424.

Brandaris, they made so near an approach as to succeed in setting fire to the town, which was reduced to ashes, and in giving to the flames a hundred and fifty merchantmen, beside some ships-of-war, which were harboured near to it.*

Flattering as these successes must have been to the people of England, the cost of them had been enormous, while any substantial benefit to be derived from them was still distant and uncertain. Popular, too, as the war had been, Charles knew the indisposition of parliament to make further grants of money to any large extent, except upon condition of being permitted to scrutinise the proceedings of his government in a manner which the nature of those proceedings could ill sustain. Fearing the effect of this parsimony and ill humour, Clarendon, Southampton, Monk, and some others, advised that the king should lessen his expenditure, by laying up all ships of the first and second rate, and that he should send out such only as might suffice for purposes of defence, and as means of bringing the States to the terms submitted to them by imposing restraints or inflicting damage on their commerce. The duke of York opposed this advice to the utmost, maintaining that no species of economy could be more ill judged, alleging that its effect, instead of favouring a peace honourable to the people of England, must be to invite their enemies to insult them at their very doors. Manifest as we may deem the justness of these views to have been, they were urged without effect. No considerable time, however, elapsed before their soundness became too palpable to be any longer questioned.†

In the month of June, De Witt and De Ruyter appeared off the Nore, with a fleet of seventy sail. It was not possible that the disgrace with which the country was now threatened should have been wholly unforeseen; and such provisions against it as a government beset with poverty, and destitute of credit, could make, had been recently attempted. A fort was raised at Sheerness, and means were employed to render the Medway impassable. But these precautions availed little. The invaders made their passage up the river as far as Upnor Castle, destroyed the three first-rates, the Oak, the James, and the London, and captured the Royal Charles; they afterwards ascended the Thames almost to Tilbury; and everywhere insulted the coasts and ports of the kingdom at pleasure. It is said that, when De Witt saw the conflagration at Brandaris, he swore that the sword of his country should not be sheathed until that disgrace should be wiped away. We may conclude that he regarded the signal dishonour thus put upon his enemies as an ample fulfilment of his vow.‡

Mistaken policy of the English government.

The Dutch in the Thames and Medway. 1667.

* Pepys, ii. 445—451. iii. 1, 2, 6—8. 12. D'Estrades, ii. 534. 557. 567, 568—580. Arlington's Letters, ii. 182—188. Ralph, i. 133, 134. Life of James I. 424.

† Life of James I. 425.

‡ Pepys, iii. 206. 214. 233. 237, 238—276. Evelyn, ii. 287—289.

But the States now began to suspect that they had as much to fear from the ambition of Louis on the land, as from that of England on the sea. The invasion of the Spanish Netherlands by the French king, on the hollow plea that the sovereignty of those provinces devolved to him by right of his wife, brought his power into nearer contact with the United Provinces than consisted with their safety. Louis by this time had ceased to look upon England as likely speedily to acquire the sovereignty of the seas; and the Dutch could not fail to see that the nearest and most formidable danger besetting them at the present moment was not from that quarter. Accordingly, within six weeks from the appearance of the Dutch fleet in the Thames and the Medway, peace was signed between all the powers who had been parties to this war. The trade with Africa, particularly with the coast of Guinea, was declared free to the extent provided in the treaty of 1662. All conquests made during the war were to be retained on either side, which deprived the English of the island of Poloron, and of Fort Cormantin, but left them in possession of the states of Albany and New York. Nova Scotia was restored to France, and Monserrat, St. Kitt's, and Antigua, to England. These were the main articles of the treaty. So small were the gains of any party, after the loss of so much treasure, and the shedding of so much blood. To England, indeed, the result was rather loss than gain.*

During some time discontent had been increasing among all classes; and there was little to allay that feeling in this termination of a contest commenced with so much passion, and sustained, not only with unprecedented supplies of money, but with so much bravery on the part of those who were engaged in it. The most inconsiderate royalist could not be insensible that the evils everywhere deplored were justly attributed to the vices and feebleness of the government, which, by exposing it to the distrust of the nation, had given so much advantage to the enemy. Men, accordingly, who had looked with exultation on the corpse of Cromwell as exposed at Tyburn, could now speak of that usurper's magnanimous patriotism and vigorous policy, and of those better days when the resources of England were not wont to be squandered upon the worthless, and the thunder of her strength was seen to awe the most distant and powerful. Expectations so flushed and sanguine as were those which accompanied the Restoration could not fail of being followed by disappointment, and by some change of this nature in the popular feeling. But a policy of moderate wisdom and virtue would have sufficed to provide against so much of this evil as was

* D'Estrades, iii. 311—336. "It is a sad thing to say that, though this be a peace worse than we had before, yet everybody's fear almost is that the Dutch will not stand by their promise. And yet no wise man that I meet with, when he comes to think of it, but wishes with all his heart a war, but that the king is not a man to be trusted with the management of it."—Pepys, iii. 289.

unavoidable. Charles, however, was not a person to make such provision; and failing so greatly in much that prudence might have accomplished, the fickleness of the popular sentiment, which would otherwise have been of no great consideration, became to him a source of much annoyance and apprehension. With the majority of the royalists, a blind confidence in the king was succeeded by a settled suspicion; and they mingled their complaints with the louder censures proceeding from other portions of the community. It should, perhaps, be added in this place, that on more than one occasion during the late war the king had given a degree of attention to public affairs which astonished and delighted his subjects. But those moments of promise were speedily followed by long seasons of dissipation and inaction, and in consequence produced no permanent effect.*

While the changeableness incident to popular feeling was powerfully influenced by the causes mentioned, two memorable events in the history of the metropolis, though not of a description to implicate the government, contributed materially to the prevalent gloom and disquietude—we refer to the plague which raged in the capital in 1665; and to the fire which laid so great a portion of it waste in the year following.

In 1663, and in the following year, the plague ravaged the greater part of Holland, particularly Amsterdam and Rotterdam, The plague—and many fears were entertained concerning it in Eng- its course and land.† In the December of the last-mentioned year, it extent. was reported by authority that two persons had died of that malady in

* Dr. Lingard remarks that the disposition of the people to indulge in the tone of reflection adverted to was “evidently unjust;” and adds that, “whatever might be the faults of Charles, he had conducted the war with equal spirit, and till this moment with more [most?] signal success.” Even the disgrace at Chatham is described as the effect simply of “pecuniary distress.”—xii. 171. But it surely should not be forgotten that the king’s want of money at that time was the natural effect of its being known that he had made a vicious or feeble use of great part of the sums which had been already intrusted to him. And what shall we say of his “spirit;” when we find that “the night the Dutch did burn our ships the king did sup with my lady Castlemaine, at the duchess of Monmouth’s, where all were mad in hunting a poor moth!” (Pepys); and when an eye-witness of his conduct tells us that, even at this crisis of alarm, he took “ten times more pains to make friends between lady Castlemaine and Mrs. Stewart than to save his kingdom,” spending his time, often by day, and “every night, with lady Castlemaine and the duchess of Monmouth, in Hyde Park.”—*Ibid.* iii. 263, 269, 288. The news of the attack on Sheerness was conveyed to him the next morning in Hyde Park, where he had been amusing himself and a favourite dog with duck-shooting.—Coke’s Detection.

† The account of this calamity which is given in the text is derived from the following sources:—The Bills of Mortality for the year; the “*Loimologia*,” by Dr. Hodges; the “*Loimographia*,” by Mr. William Broghurst; a work by the Rev. Thomas Vincent, intitled “*God’s Terrible Voice to the City*,” the entries during the year in the Diaries of Evelyn and Pepys; and De Foe’s “*Journal of the Plague*.” Dr. Hodges and Mr. Broghurst were extensive medical practitioners during the time of the pestilence, and their works record the substance of their experience and observation. Broghurst’s work is still among the Sloane MSS. in the British Museum. The *Loimologia* was first published in Latin in 1672. Vincent’s treatise appeared in 1667; and De Foe’s “*Journal*,” though embellished with some fictitious details, is a work in which the slight portion of invention is easily separated from the mass of fact, as attested by the above authorities.

St. Giles's, a parish adjoining the north-west quarter of the metropolis. But, as there had been scarcely a year since the commencement of the seventeenth century in which the bills of mortality had not attributed some deaths to the plague, the numbers having varied during the last ten years between four and thirty-six, the alarm of the people on hearing the above-mentioned report was less the effect of any new appearance of danger than of the tidings which had reached them from Holland, where, in Amsterdam alone, twenty thousand persons had been carried off by the same infection within a short space of time. During great part of the interval between December, 1664, and the ensuing April, the weekly bills of several parishes without the walls of the city exhibited an increase of deaths which excited suspicion. This was particularly the case in St. Giles's. But in the beginning of May there was no longer room to doubt that many had perished of the dreaded distemper in St. Andrew's, Holborn, and in St. Clement Danes, and that in St. Giles's every street was more or less infected. The inhabitants of houses where it had made its appearance did everything in their power to conceal the fact. Even the weekly bills, that no unnecessary alarm might be produced, failed to give a true report, and the knowledge of this circumstance concurred, after a while, to expose the imagination of the timid to a painful degree of excitement. In the month of June the heat became excessive, and the deaths reported as from the plague in the last week of that month were two hundred and seventy-six.

On the first of July it did not appear that more than four such cases had occurred in the city. But toward the middle of that month the disease reached its highest in the whole of the out-parishes westward, including Westminster, St. Martin's, St. Giles's, St. Clement's, and Holborn. About the same time it began to make alarming progress among the suburban parishes northward—Cripplegate, St. Sepulchre's, Clerkenwell, St. Bride's, and Aldersgate. The mortality was greatest in the last-mentioned parishes during the month of August. With the approach of September the eastern parishes, reaching from Aldgate to the Minories, and the eight parishes of Southwark, shared the fate of those in the west and north; and the dark cloud, having moved thus round the whole circumference of the city, began to shed its disastrous influence over the trembling myriads who still clung to it as their home. From June to September the weekly report of deaths continued to increase, in various degrees, until, from two hundred and seventy-six they rose to eight thousand two hundred and ninety-seven. But the terror and confusion of that time were such as to render it impossible that complete returns should be made, and we may safely believe that the scene of horror was much greater than even the largest of these numbers would indicate. According to the best authority we possess, the weekly mortality during the early part of September was not less than twelve thousand—a third part of that number were supposed to have died in the course of one fearful night. The bills for the year

report the total number dead of the plague at 68,596, an amount which fails probably by one-third to exhibit the real extent of the calamity. Many died of fright; in the case of others, lunacy, brought on by the same cause, preceded dissolution; the instances of females dying in a state of pregnancy were increased more than ten-fold; and the new-born seemed to live only to become capable of dying.

The symptoms of the disease varied considerably in different constitutions. In general they were found to include failure of appetite, nausea, head-ache, pains in the back, oppression of the chest, diarrhoea, and fever, which was attended by shivering and often rose to delirium. The more distinctive indications were a burning sensation at the pit of the stomach, a misty appearance of the eyes, a sudden stupor and giddiness which made the sufferer appear as if intoxicated, followed, at the distance of one or two days, by the indubitable marks of the distemper in the shape of buboes and carbuncles. If these swellings could be made to "digest," and cast forth their pernicious properties, the patient generally recovered, otherwise death was inevitable. But in some cases there were no appearances of that description, and the infected person flattered himself that his more partial and moderate symptoms were only those of ordinary indisposition, until the chest was found to exhibit a number of purple spots, which warned the victim and his friends that life would be extinct in a few hours at the utmost. These spots were called "the tokens," and were ever present before the imagination of the people as the messengers of death. The persons in whom the disease took this shape died with comparatively little suffering; but where the swellings appeared the internal functions retained much of their strength, and a high state of fever commonly ensued. Many in their paroxysms broke away from the beds to which they were fastened, and raved upon passengers in the streets from the windows of their apartments; some laid violent hands upon themselves; while others gave utterance to their misery in loud and bitter lamentations, or, forcing their way abroad, fled, with little or nothing to cover them, from street to street, shouting forth the most phrensied language. Some of these unhappy creatures threw themselves into the Thames; others sank in sudden exhaustion and expired; even the officers, so great was the fear of infection, commonly forbearing to put any restraint upon them. Of those who were visited with the disease in this form, few died in less than twenty-four hours, some lived through twenty days, but the average limit was five or six days. In July and August the majority of the infected perished, in September and October the recoveries are believed to have been in the proportion of three to five.

To check the spreading of the infection, it was ordered by the magistrates, on the authority of an act of parliament to that effect in the reign of James I., that all houses containing infected persons should be closed. The houses so reported

Means employed to counteract it.

boards and advertisements of these men met the eye of the disturbed multitude in every part of the city and suburbs. At the same time, many impoverished themselves to purchase pretended antidotes to the distemper, which another race of knaves advertised in every form, and under every specious designation.

Toward the end of June the court began to consult its safety by removing from Whitehall; and the various outlets of the capital were crowded with carriages and laden vehicles belonging to the more opulent families in the city and its vicinity, who had shut up their houses, and were making their escape to some distance from the place of danger. This continued through the whole of July and great part of August, and London appeared to be almost without inhabitants, few remaining in it, except the poor, who were left to choose between the probability of dying as victims of the plague should they remain at home, or as victims of want should they wander to a distance. It was computed that not less than ten thousand houses were thus deserted in the city and its adjacent parishes during the months of August and September, and that not more than a third of the population usually resident within the walls remained to witness the horrors which ensued. By this means the country was made to share in the alarm of the metropolis, and the principal towns, for many miles' distance, endeavoured to protect themselves against the danger which threatened them, by refusing lodgment or free passage to strangers of any description, without satisfactory certificates of health.

This comparatively deserted state of the city must always be borne in mind, when comparing the bills of mortality during the prevalence of the distemper with those of intervals preceding. Nor should we forget to observe that the majority of the persons who were thus left to face the danger were of the class to whom it was sure to prove most fatal—the people residing in courts, alleys, and crowded streets, where a confined atmosphere, want of cleanliness, and much beside, tended to render infection both certain and destructive. Where the disease prevailed in its strength, there were few houses that were not shut up on account either of the sickness or the absence of their owners. The persons who passed, here and there, along the streets, moved as in the city of the dead. Avoiding the footways on either side, they chose their path in the middle of the road, that they might be at the farthest remove from man—the great source of their peril. Hence the grass grew up where there had been the most crowded thoroughfares. When those who ventured abroad met, they might be seen keeping at the most cautious distance from each other; and the man who passed a house with the fatal mark upon it commonly glanced indirectly at it, and, muffling his cloak about him, made his way with a timid and hurried step along the forsaken footpath on the opposite side. Men feared even the fragrance of sweet flowers, lest they should inhale the sickness from

them, and called for antidotes—rue, myrrh, and zedoary. As the deaths multiplied, all the usual expressions of sympathy with the departed, as tolling the parish-bell, wearing mourning, and funeral processions, suddenly ceased. And all sick families being confined to their houses, none could bury their own dead; no rite of sepulture could be obtained for them; even coffins were not to be procured, and the churchyards of the infected parishes soon became incapable of receiving the multitude for whom interment was demanded. Hence extraordinary expedients were adopted, and such as lived long in the memory of those who survived. Men were employed to go through the infected districts in the dead of night, to collect and inter the bodies of those who had expired in the course of the day. The distant tinkling of a bell, and the glare of torches, announced the approach of the “dead-cart,” and, as it came near the houses with the cross upon them, the men attending it uttered alternately the well-known cry, “Bring out your dead!” To this call the response of the inmates was often a wail of sorrow as they brought their dead to the door, sometimes barely covered, but commonly wrapped up like mummies in the bed-linen on which they had breathed their last. The bodies thus obtained were lodged one upon the other in the vehicle, and, being conveyed to the edge of the broad deep pit prepared to receive them, the board at the end of the cart was removed, and they were made to fall as they might into their place. This done, the workmen covered them immediately with a layer of earth, upon which others, in their turn, were thrown in the same manner, until the dreaded receptacle became filled to within a few feet of the surface.

The mental suffering of persons whose imagination followed the objects of their affection to such a scene must have been great. It is known that it sometimes proved insupportable. In London, however, in common with every large city in which this kind of malady has prevailed, its effects on the moral sympathies of the people were of the most opposite complexion. On many it produced the better impression, disposing them to look with feelings of humiliation on the errors of their past conduct, and to seek the favour of the Deity by amendment and exercises of devotion. These convened themselves in churches, though with very questionable prudence, in great crowds, many giving expression to their newly-awakened fears by audible responses to the appeals of the preacher. With some the imagination and the passions, exposed to so many powerful sources of excitement, obtained a visible mastery over the understanding. The unwonted course of things about them filled their minds with ideas of the supernatural. They saw spirits walking the earth, and could trace out fearful signs in the heavens; and there were those who believed themselves commissioned to announce the wrath of the Almighty in a more intelligible form. One man took upon him the mission of Jonah, and roamed from place to place, exclaiming, “Yet forty days, and London shall be destroyed.”

Another, naked, except a slight covering round the waist, and sometimes with a vessel of burning coals raised above his head, traversed the city day and night, without appearing to tire or rest, exclaiming "Oh! the Great and Dreadful God!" and such was the hurried, restless horror of this man's aspect and manner, that the people, as he passed ever repeating the one solemn exclamation, were more disposed to look on him with dismay than to question his sanity. But the cause which served to push religion to the extreme of fanaticism in some, seemed to expel all sense of it from the mind of others. The apathy observable in many, while such sights were before them, may be attributed in part to a coarse habit of mind, devoid alike of reflection and sensibility. But others saw their danger, and knew that their depraved habits fully justified their fears concerning its probable consequences; and in this class there were those who endeavoured to persuade themselves that there is no Divine hand in the guidance of human affairs, and who learnt to speak of the "after death," so much discoursed upon, as a fiction that should be no longer allowed to scare men from the path of indulgence. In the language of these persons life was short; its probable end to-morrow; the future was a dream; and the fool only could suffer the fleeting moments that might remain to pass in wailing rather than in pleasure. Thus the darkest hour of calamity became marked by the utmost license in crime. Oaths and imprecations in one quarter, mingled with the adorations and prayers which ascended from another, the song of the drunkard with the hymn of the devout; one class eagerly bent on riot and sensuality, converting the tavern and the brothel into a species of pandemonium, while another, and happily a much larger one, manifested a new solicitude to diffuse the benefits of a piety and charity which the horrors around them had done much to purify and exalt.

It has appeared that the weekly official report of deaths on the nineteenth of September rose to eight thousand two hundred and ninety-seven; but from that time the number decreased almost regularly. By the close of October the cases of recovery from the infection greatly exceeded those in which it proved fatal, and in the course of November the number of deaths was so much diminished, that multitudes who had fled from the capital returned, the shops were generally re-opened, and the streets, and all places of public resort, began to present much of their former appearance.

A few months only had passed since the plague had so far decreased as to admit of the return of the court to Whitehall, when the ravages of fire succeeded those of pestilence. This ^{Fire of London} memorable conflagration commenced on the premises of ^{—its origin.} one Faryner, a baker, in Pudding-lane, near the New Fish-street, a little to the north-east of London Bridge. The attention of the neighbourhood was called to it about two o'clock in the morning of Sunday

the second of September. In no part of the town were the houses more crowded together, or of a description so likely to occasion the mischief which followed. They were constructed mostly of wood, and the roofs and external partitions of many of them were pitched, as the means of protecting them against the weather; while, from their neighbourhood to the river, they generally contained quantities of tar, pitch, hemp, and other naval stores. Near to the smaller edifices were large warehouses, in which oil, wines, foreign spirits, and similar imports, were deposited; and adjoining were the great wharfs, with their supplies of coal, wood, resin, and other combustible materials. During the month of August, which had just closed, the heat had been excessive, as if to prepare every surface exposed to it for easy ignition. Added to which, at the moment when the alarm was raised, a strong dry wind blew from the eastward. The destructive element in consequence spread rapidly, and in a few hours became too formidable to be subdued by any of the ordinary appliances.

Sir Thomas Bludworth, the lord mayor, shared in the general panic, and, though active during the whole of the night, everywhere manifested his incapacity to meet the exigency before him. All hope of saving any part of the premises on fire was soon abandoned, and the course strongly urged upon the chief magistrate by the more judicious persons about him was to demolish a number of houses in the pathway of the conflagration, and thus to check its progress by leaving it nothing to feed upon. But the bewildered functionary hesitated until the consent of the owners of the said property should be obtained, and, ere that difficulty could be removed, it became necessary to retreat from place to place before the advancing devastation. The men who evinced the greatest self-possession during the progress of this calamity were the seamen. At an early hour in the morning they advised that the whole circle of buildings skirting those on fire should be blown up with gunpowder. But this counsel, as wise as it was bold, demanded a promptitude and courage which no man vested with sufficient authority to act upon it appeared to possess. Though in the general consternation nothing was done to prevent the spreading of the evil, all persons only a little removed from it continued to flatter themselves with being out of danger, until the occupants of house after house and street after street were obliged to escape for their lives.

By eight o'clock in the morning, St. Magnus' Church, and more than three hundred houses, including nearly the whole of Fish-street, were destroyed. The wind continued to blow strongly from the eastward, and before the close of the day the feeling of danger which had been confined to the neighbourhood of Fish-street, became common to the greater part of the city. Viewed from the Southwark side of the river, the whole space along the water-side between Thames-street and the Steel-yard, and that extending from the upper part of Gracechurch-

Progress and
extent.

street to Cheapside northward, appeared to be lost. The destruction, indeed, had not reached so far into the city by that time, but flame and smoke covered the whole, and little hope of saving an edifice within those limits was anywhere entertained. So intense had the heat become, and so ignited were the fragments of combustible matter borne along by the wind, that buildings some five or six houses' distance from those on fire were seen kindling with the greatest rapidity, and in a short time conveyed the flame with the same speed to structures beyond. As night descended, the scene became more appalling. The whole slope of the city toward the river, extending from the Three Cranes in the Vintry on the eastward of London Bridge, to more than a mile westward, was an arch of fire—steeple, churches, public edifices, sinking one after another out of sight amid clouds of smoke, the glare of the flames, and an "incredible noise" produced by the violence of the wind, the rush of the conflagration, and the frequent crash of roofs and entire buildings as they fell successively and became smouldering heaps. The element which thus raged on earth seemed also to have taken possession of the heavens, which glowed with a changeful and terrific brightness, so that the lurid effect was observed at the distance of forty and fifty miles. By the afternoon of Monday, the whole of the southern part of the city, between Thames-street and the western extremity of Cheapside was in ruins. A scaffolding reared on the south side of St. Paul's then took fire, and that magnificent building soon shared the fate of those ranged near it. The scene on Monday night was even more affecting than on the night preceding. "God grant," exclaims Evelyn, "that I may never behold the like, who now saw above ten thousand houses in one flame: the noise and cracking and thunder of the impetuous fires—the shrieking of women and children—the hurry of people—the fall of towers, houses, and churches, was like an hideous storm; and the air all about so hot and inflamed, that at the last one was not able to approach it, so that all seemed forced to stand still, and to let the flames burn on, which they did for nearly two miles in length and one in breadth. The ruins resembled the picture of Troy. London was, but is no more!" On Tuesday the same spectacle was exhibited over the south-east portion of the city, reaching from Old Bailey and Holborn Bridge to the Inner Temple. The wind still came from the eastward, and blew more violently than on the preceding days. The pavements in many places became so hot, that neither men nor horses could tread upon them; melted lead ran in streams along the street, and the stones of St. Paul's flew into the air "like granados." On Wednesday morning it began to menace the property between the Temple and Whitehall; but in the course of that day the wind fell, and the expedient of pulling down houses with engines, which had been tried with so little effect, was abandoned for that which had been recommended in the early stage of

the disaster—blowing them up with gunpowder. By the middle of the day there was good reason to conclude that this scene of terror would not extend beyond the Temple westward, nor beyond Smithfield northward, though through the whole of Wednesday and Wednesday night the fire raged alarmingly in the neighbourhood of Cripplegate and of the Tower. On the next day those quarters also became secure; but so great was the heat retained by the ruins, that several days passed before it was found possible to approach them. Of nearly a hundred churches, and more than thirteen thousand houses, besides public buildings, scarcely a fragment remained erect to aid the explorer in attempting to discover the line of the streets.

The want of organised effort among the citizens, which was so observable at the commencement of this calamity, continued Distress and consternation almost to its close. The care of all seemed to be to provide for themselves, and to save as much as possible of their moveables from the threatened destruction. The river was covered with boats and large open vessels, in which the furniture and other property from houses near the water might be seen thrown together in the utmost confusion. Many who removed their valuables some streets' distance after the first alarm, were chased with their treasures from one asylum to another, and at last obliged to abandon much to the fury that seemed to pursue them. Every outlet of the city northward was lined with vehicles, bearing the rescued property of the myriads of families who flowed—men, women, and children—toward the open country in St. George's Fields, Moorfields, Islington, and Highgate. There the fugitives were dispersed over a circle of several miles, "some under tents," says an eye-witness, "some under miserable huts and hovels—many without a rag, or any necessary utensil, bed or board—who, from delicateness, riches, and easy accommodation in stately and well-furnished houses, were now reduced to the extremest misery and poverty."*

In addition to all these sources of alarm and suffering, there was a report spread that the fire had been produced and fed by incendiaries in the employ of the French and Dutch, and that the enemy, seizing on this moment of distraction and terror, had effected a landing at no great distance from the capital. Under the influence of this panic, multitudes deserted the guardianship of their goods in the fields, and, arming themselves as they could, laid violent hands on all foreigners who came in their way; nor were they to be appeased until the court had employed all its power, both of persuasion and authority, for the purpose.

The king and his council made great exertion to supply the wants of these sufferers; and the praise bestowed on the monarch, on the Duke of York, and others belonging to the court, for their efforts to

* Evelyn, ii. 267.

save the lives and property of the citizens, were not unmerited, but might have been received with a better grace had those efforts been made earlier. Until Wednesday morning, the authorities at Whitehall, in common with those in the city, Conduct of the king and the court.

"had stood with their hands across, like men intoxicated."* Many inquiries were afterwards instituted, in expectation of discovering the supposed incendiaries. In the popular suspicions, the English catholics were coupled with the emissaries of France and Holland; but there is no reason to suppose that the natural causes we have mentioned were aided by any such means.

The plague in 1665, and the fire in 1666, were followed, in the spring of the next year, by the appearance of the Dutch fleet at Upnor Castle and Tilbury Fort. The losses of life and property which marked the two former years were sufficient to have produced a degree of embarrassment in Effect of the conclusion of the war on the popular feeling.

the affairs of any government; but it was well known that the exposed condition of the river, and of the kingdom generally at that time, was not so much the consequence of any real diminution of the resources of the nation, as of mismanagement on the part of its rulers. In fact, some of the most considerable persons at court spoke of the ravages in the capital as likely to operate favourably for the government, by humbling the pride of that great focus of disaffection.† But, as the pestilence passed away, the void which it had occasioned was immediately filled up; the city soon rose as from its ashes, more secure and convenient than before; and it was found that the topics of absorbing interest and loud complaint, both among the citizens of London and in the two houses, were the dishonours which the Dutch had been suffered to inflict on the kingdom, and the disgraceful peace which had followed in their train.

But no man was so much exposed to the general invective as the chancellor: his construction of the declaration from Breda, which he had carried into effect with so little scruple or compassion, brought upon him the resentment of the nonconformists, of the catholics, and of many among the royalists themselves. His presence was a constant check on the licentiousness of many within the circle of the court, while his power was an acquisition which persons of the latter description were eager to see divided among themselves;—so strong indeed was the current which set in against him, and so feeble were the principles of public men, that many who had no personal grounds of complaint to justify them, but, on the contrary, were under much obligation to him, yielded to the stream. At length, even the king began to desert him. Charles listened to men who assured him that the chancellor was more disposed to profit by the necessities of his sovereign than to supply his wants. The same persons maintained that

* *Ibid.* ii, 266.

† Clarendon's Continuation of his Life, iii. 675.

the royal interests had been deeply wounded by the selfish policy of that solemn functionary, who, in order that his own family might succeed to the throne, had favoured the king's marriage with the infanta, knowing that it would be without issue, and since that time had laboured to counteract the wishes of the monarch when disposed to obtain a divorce, and become a husband with better prospects.* On the meeting of parliament, it soon became manifest that the chancellor, in the place of being serviceable to the government in either house, was the only peace-offering whose sacrifice could allay discontent.

The same bad influence which deprived Clarendon of his power in the court, had operated to the prejudice of his friend—the earl of Southampton. The earl died at this juncture. Had his life and health been a little prolonged, he would no doubt have distinguished himself as the advocate of the falling minister, and, as the consequence, would have shared in his disgrace. It is now known, that but for the persuasions of Clarendon, the lord treasurer would have been removed from office some time before, and that it was the iteration of entreaties from the same quarter which saved the most virtuous minister of the crown from the bitterness of finding his dying moments disturbed by the presence of messengers from the king demanding the surrender of his staff.† When the earl of Southampton breathed his last, Clarendon found himself opposed or neglected by all parties, with scarcely a man living in whose services he could place confidence. The only matter in his power was to fall with dignity.

The great enemy of Clarendon in the upper house was lord Digby, the same who had been so conspicuous in public affairs since the meeting of the long parliament. During his residence on the continent, as one of the exiled court, his lordship had embraced the catholic religion, and attributed, though it would seem unjustly, his subsequent removal from his office as secretary to the influence of Clarendon. Hence his former friend became an object of his most relentless animosity. Two years before this time Digby had collected a number of allegations against the chancellor, which he brought forward under the name of an impeachment; but the effect of this proceeding was to manifest the indiscretion and malevolence of the accuser, rather than the guilt of the accused.‡ In the attack now

* Charles became enamoured of a young lady of the name of Stewart, and, as the lady was not to be obtained on less honourable terms, the monarch entertained the project mentioned in the text; but in the mean time the lady was privately married to the duke of Richmond. Clarendon was not privy to the lady's marriage, but made no secret of being opposed to a divorce, as unjust to the infanta, and likely to entail upon the nation the evils of a disputed succession. Burnet, i. 461, 462. Clarendon's Life, iii. 859.

† Clarendon's Life, iii. 613—611.

‡ Clarendon's Life, ii. 156—158. Monk, who had made every profession of at

meditated his lordship was aided by the duke of Buckingham—a nobleman of no principle, but remarkable, like himself, for the possession of great talents, with a total want of self-government. In the administration of Clarendon there was little to praise the king. and much to condemn; but the cause of the monarchy had been more indebted to his services than to those of any other Englishman; and against such a man it ill became the king to listen to the accusations of his profligate courtiers. But with Charles the Second the ties of gratitude were a feeble restraint whenever his impulse toward pleasure demanded that they should be broken asunder. His women, and their paramours, were hardly more impatient than himself to be freed from the checks imposed by the presence and authority of men like Clarendon. The chancellor was accordingly apprised, by the duke of York, his son-in-law, that the king was not unwilling to receive his resignation of office, seeing that such a step afforded him his only chance of escape from an impeachment, and from an experience, possibly, of the fate of Strafford. Clarendon, in the place of acting upon this suggestion, professed himself anxious to retain his office, that he might the better provoke the threatened scrutiny, and defy the utmost malice of his enemies: to shrink from meeting their accusations, he said, was a method of proceeding at the farthest remove from his thoughts. Charles, on finding his minister in this bold temper, abandoned him openly to his enemies, by despatching a secretary of state, with a warrant under the sign manual, to demand the great seal. It was, of course, delivered immediately.*

Digby and Buckingham now came into full power at court, and made large use of the king's name in their endeavours to increase the number of their partisans, while concerting their future plans. No pains were spared to deprive the ex-chancellor of character, as well as of office, and with this view an impeachment was exhibited against him, consisting of fifteen articles. In these articles it was alleged that the accused had urged the monarch to adopt means for governing by a standing army rather than by parliament; that he had declared the king to be a concealed papist; had damaged the country in all its foreign relations to serve his own interests; had used his office to extort large sums of money contrary to law; had accepted

tachment to Clarendon, could now urge the parliament "no longer to adhere to the chancellor, since the king resolved to ruin him, and would look on all who were his friends as enemies," *ibid.* iii. 875. Sheldon, the bishop of London, afterwards archbishop of Canterbury, owed much, in common with his brethren, to Clarendon; but Pepys writes as follows of this person so early as 1664:—"The archbishop of Canterbury speaks very little, nor does much, being now come to the highest pitch that he can expect. He tells me he thinks things will go very high against the chancellor by Digby, and that bad things will be proved. Talks much of his neglecting the king, and making the king to trot every day to him, when he is well enough to go to visit his cosen chief justice Hyde, but not to council or king.—ii. 164." *Parl. Hist.* iv. 276—284.

* Continuation of Life, iii. 825—867.

improper gratuities from the crown ; had sold Dunkirk for less than its value ; had set up the most arbitrary government in the British colonies ; and had obtruded his counsel during the late war on points of naval operation, so as to have protracted the contest, and contributed much to its dishonourable termination.

It must have been clear to every dispassionate man, that there was nothing amounting to high treason in the matter of these accusations. Such as they were, however, the accused professed himself willing to admit the truth of the whole, if any one of them could be proved. But the commons abstained from proof, and even from the mention of specific charges, demanding of the upper house that the impeached minister should be imprisoned on the general grounds exhibited in the articles. The lords refused to proceed on such grounds, and expressed surprise that the commons should have descended in this manner to imitate one of the most objectionable points in the history of the proceedings against Strafford. But the prosecutors in this case were not accessible to reason or shame—they denounced the conduct of the peers as an obstruction of justice, and discovered so much passion and obstinacy in reiterating their demands, that the friends of the ex-minister entreated him to leave the kingdom, as the only means of avoiding the injuries with which he was threatened, and of allaying the general storm. On learning that this counsel was approved by the king, Clarendon embarked in a small vessel under cover of the night, and, after a rough and melancholy voyage of three days, landed as an exile at Calais. He left an address to be presented to the lords, in answer to the general charges preferred against him. It bore the appearance of a triumphant refutation, but the commons pronounced it an infamous libel, and ordered that it should be burnt by the common hangman. Some called for an act of attainder against the author ; but, in the end, the most malevolent were obliged to content themselves with a bill of banishment.*

Even now the last reverse had not befallen the discarded minister.

Conduct of
the French
government.
Remainder of
the life of
Clarendon.

The French government, that their aggressions on the Spanish Netherlands might be conducted with as little interruption as possible, were concerned to secure the friendship of the court and the people of England, and with this view treated the banished minister with studied discourtesy. At Rouen, the exile was ordered to quit the French territory without delay ; and at Calais, where severe indisposition prevented his proceeding further in obedience to this mandate, the command was repeated. But before the health of the sufferer was so far restored as to admit of his departure, Louis found himself obliged to relinquish the hope of amity with England, and the man who had been

* Parl. Hist. iv. 369—404. Contin. of the Life of Clarendon, iii, 811—880.

thus cruelly persecuted, was invited, with much civility, to take up his residence in any part of the kingdom. Clarendon passed the remaining seven years of his life at Montpelier, where he completed his History and his Memoirs, and whence he often wrote to the king, and to his connexions in England, entreating, in the most moving terms, permission to end his days, and deposit his ashes, in his native country, but without success.*

CHAPTER IV.

Change of the national feeling in relation to France and Spain. Louis invades the Netherlands—Interference of the United Provinces. First Secret Treaty between Charles and Louis. The Triple League formed—Peace of Aix-la-Chapelle. The New Ministry. Parliament. Activity of Buckingham. Great Secret Treaty between Charles and Louis—its origin, progress, and character. Parliament. Impeachment of the Earl of Orrery. The judicial power of the Lords restricted. Sufferings of the Nonconformists—Controversy on that subject. Members of the Cabal. Parliament—Assault on Coventry—the Lords not to alter a Money-bill. Three periods in the history of the Cabal Ministry. The Exchequer closed—Attack on the Smyrna Fleet—Declaration of Indulgence—Second Dutch War. Naval Proceedings—Battle of Southwold Bay. Progress of the French Army under Louis. Parliament—the Indulgence recalled—Origin of the Test Act—Bill to relieve the Nonconformists—its fate. Character and Policy of the Country Party.

PREVIOUSLY to the age of the Reformation, the great continental foe of the English was France—partly from its nearer position, but mainly on account of the claims which the kings of England had so long preferred to some of the most valuable provinces of that country. The wars which arose out of that claim, and the intrigues which they served to perpetuate between the French and the Scots, made hostility to France a national feeling on the part of the English through several centuries. But with the opening of the sixteenth century, Spain took her position as the great enemy of the new opinions on religion which then began to diffuse themselves over Europe, while France was rather disposed to avail herself of that event, for the purpose of strengthening herself against Spain. During the long reign of Elizabeth, the great enemy of France was the great enemy of England—the enmity to Spain, which was cherished in the former kingdom principally on political grounds, being fixed still more deeply in England by the opposition which the house of Austria had always manifested to the doctrines of the Reformation. Affairs retained this shape, on the whole, until the Restoration. But soon after that event, the part taken by the French in the Dutch war, the growing power and ambitious schemes of Louis, and the probable influence of a govern-

* Ibid. 883—904. 992.

ment so despotic and so formidable on the general liberties of Europe, contributed to revive the old-fashioned hatred of the French, and gave existence to a new feeling in favour of Spain. So manifest was this feeling, that Charles professed to regard himself as almost the only man in his dominions to whom a French alliance was really agreeable.*

Louis, as before mentioned, had married a daughter of Philip IV., king of Spain. He now laid claim, on the decease of his father-in-law, to a large part of the Spanish Netherlands, in right of his wife. But in his treaty of marriage with the Spanish princess, the French king had bound himself, in the most distinct terms, never to prefer any such demand on the ground of that union. It was urged, indeed, by Louis, that the sickly infant who survived as the heir of Philip, was by a second marriage, while the French queen was by a first—a distinction which, according to the law of Brabant, would have given preference to the pretensions of his queen, in a matter of private property. But Louis well knew that the marriage-contract had been framed in the most jealous terms, so as to exclude this sort of claim. Defective, however, as the reasoning of his Most Christian Majesty may have been in support of this demand, the forty thousand disciplined troops, which he conducted to the frontiers of the disputed territory, presented a kind of argument which he flattered himself would be irresistible.

It appeared to be the doom of the Spaniards, that they should participate in all the evils of despotism without being able to avail themselves of its advantages. In the place of moving with the celerity which is rarely practicable except in arbitrary governments, they commonly wasted that time in deliberation, which their opponents employed in the field. Louis, with small effort, possessed himself of several important towns, and the Spanish Netherlands soon appeared to be at his mercy. The court of Madrid called upon all the states of Europe to join in checking the ambition, and punishing the perfidy, of the king of France, and several of the leading powers manifested their sense of the common danger by a vigorous interference. De Witt and the States were the first to remonstrate. They urged upon Louis the importance of restricting his pretensions within such limits as would justify them in using their influence with Spain in favour of peace. The French

The Spanish
Netherlands
invaded by
Louis.

* Pepys has recorded a striking proof of this change in the popular feeling :—
“ Heard of a fray between the two ambassadors of Spain and France, and that this being the entrance of an ambassador from Sweden, they intend to fight for the precedence. Our king, I heard, ordered that no Englishman should meddle in the business. In Cheapside I hear that the Spanish hath got the best of it, and killed three of the French coach-horses and several men, and is gone through the city next to our king’s coach, at which it is strange to see how all the city did rejoice. And indeed we do naturally all love the Spanish and hate the French. I saw the Spanish coach go by, with fifty drawn swords at least to guard it, and our soldiers shouting for joy.”—i. 118, 119.

monarch professed himself desirous of showing to the States and to Europe the moderation of his views, and assured his allies that they could not be more concerned to see the sword returned to its sheath than himself. His proposals, as the condition of a settlement, were, that Spain should resign its claims to the Franche-Comté, the Duchy of Luxemburg, Cambray, and the Cambresis, together with Charleroi, Tournay, Douay, Acre, St. Omer, Bergues, and Furnes, and that the crown of Spain should consent to recognise the independence of Portugal. In reply, it was stated, that a proposal wholly to relinquish their possessions in the Netherlands could hardly have been more unacceptable to the Spanish government than such terms; and the party in Holland opposed to the French interest joined in reprobating such conditions as extravagant and unjust. It was, however, at length proposed by De Witt and his friends, that Louis should retain all the places mentioned, with the exception of Charleroi, Tournay, and the Duchy of Luxemburg, Charleroi being dismantled, and Tournay, the Luxemburg, and all other places seized by the French being restored to Spain. It was also proposed, as a matter of secret treaty between the States and Louis, that, should the king of Spain die without issue, the territories belonging to that power in the Netherlands should be declared independent, and become separate republics. Louis consented to these proposals, only substituting the surrender of the Franche-Comté, on his part, in the place of the Duchy of Luxemburg; and spoke largely of these concessions, made at a moment when he was not only in a condition to defend his acquisitions, but to make large additions to them, as his best refutation of the common talk, which accused him of being governed by unprincipled ambition and of aiming at universal monarchy. In order that the Spanish court might have time to deliberate on the choice thus submitted to it, Louis declared himself willing to suspend hostilities for three or six months, as might be preferred*.

These proceedings belong to the autumn of 1667; and in the spring of the year preceding, Charles had entered into his first Secret treaty with Louis, the object of which, on the part ^{between} of Louis, was to secure the neutrality of England during ^{Charles and} Louis, April his meditated attack on the possessions of Spain; and on ^{14, 1666.} the part of Charles, to recover the islands in the West Indies which had been seized by the French. This treaty was duly signed by both parties. It pledged the king of England to abstain from all acts of hostility against France for twelve months, and it bound Louis to restore to the English monarch the places stipulated, under the form of a public treaty, embracing as much of the secret treaty as might be necessary

* D'Estrades, iii. 268—477. Œuvres de Louis XIV. ii. 334—344—355.

for that purpose*. But the victories of Louis in the following summer turned the popular feeling strongly against France; and, however desirous Charles may have been of adhering to the articles of the treaty, such a course was hardly within his power. The recent peace, indeed, had covered the government with disgrace, and exhausted the exchequer; but to place some check on the arms of France was deemed so important, that, for the sake of that object, men were prepared to forget much of the past, and to make considerable sacrifices for the future.

Sir William Temple was deputed to act for that purpose in connexion with the United Provinces. It was at once manifest, that nothing short of serious reverses in an open war would suffice to bring the French monarch to a compliance with terms materially different from those which he had already proposed. It was deemed possible, however, to place a strong check upon his ambition at that point, and interest, on the part both of the United Provinces and of England, disposed them to an immediate and vigorous adoption of such a course. Within five days after the arrival of the English ambassador at the Hague, a treaty called the Triple League was concluded between England, Holland, and Sweden; the object of which was to compel Louis to abide by the conditions of peace to which he had assented, and to persuade, or compel, the court of Madrid to accept of those conditions †.

Two secret treaties, also, arose out of the war in the Netherlands. By one of these the allies bound themselves to declare war against France, and to oblige the French king to withdraw entirely from the Spanish Netherlands, in case of his refusing to conclude a peace on the proposed terms ‡. The other embraced a compact between the Emperor Leopold and Louis, since known by the name of "The Eventual Treaty," according to which, should the sickly child who had succeeded to the throne of Spain be removed by death, a partition was to be made of the whole territory subject to the Spanish crown between the two great powers of the Continent, Austria and France, the present possessions of the latter power in the Netherlands being conceded to it as a part of its share §.

Spain still shrunk from the humiliating conditions prescribed by Treaty of Aix-la-Chapelle, France, but, deserted in this manner by Austria, and in-
 April 22, 1668. capable of prevailing on the members of the Triple League to unite in demanding more favourable terms, nothing was left to her choice except to say whether Franche-Comté or the Luxemburg should be the province surrendered, with the other places, to the invader. Its decision in the treaty of Aix-la-Chapelle, which was the

* Ibid. ii. 256—286—289, v. 399—405.

† Temple's Works, ii. 45—77. edit. 1750. ‡ D'Estrades, ii. 77—80.

§ Œuvres de Louis, vi. 402.

main result of the Triple League, was to part with Franche-Comté, chiefly, it is supposed, for the purpose of rendering the Dutch more jealous of the power of France, by giving it possession of places of strength on the very border of their territory. But, if the pride of Spain was wounded by the matter of this treaty, that of Louis was hardly less offended by the manner in which it was brought to its issue. It had been his wish that peace on these terms should appear as though proceeding from his royal condescension and favour, not as a matter dictated, in great part, by the threatening attitude which the two great maritime powers of Europe had assumed. It was in this view, principally, that the Triple League was entitled to the high praise bestowed on it by the friends of liberty in England and elsewhere*.

Few men could have been less worthy of confidence than the duke of Buckingham, who was at the head of the English cabinet during these proceedings; nor were the persons who acted ^{The Ministry.} under him capable of imparting much strength to his administration. The feebleness which had characterized the conduct of Monk in general affairs, since the Restoration, increased rather than diminished with his years. Bridgman, the lord-keeper, had not acquired reputation of any kind. Arlington, though able and industrious, could act only with moderate effect, from being, as we have before observed, a suspected Catholic. His voice was rarely heard in parliament, though, on some important occasions, he gave proof of considerable skill and power as a speaker. The enmity which always subsisted between him and Buckingham exposed him to the malignant wit of that bad man, one effect of which, it is supposed, was, to prevent his talents from being fully appreciated even among those who possessed the best opportunities of judging concerning them. Sir William Coventry, who acted with Lord Ashley and Sir Thomas Clifford, as a commissioner of the treasury, was a wiser and better man than any of his colleagues, but was always in danger of seeing his plans thwarted by the prejudice or thoughtlessness of the king, to whom he could never make himself acceptable. Sir William Temple, who acquitted himself with so much honour in negotiating the Triple League, was a statesman whose cautious policy saved him from incurring any share in the odium which fell so commonly on the public men of his time. Much of his felicity in this respect should, no doubt, be ascribed to his superior intelligence and virtue, but much also to a habit of mind, which not only made him aware

* Temple's Works, ii. 82—120. D'Estrades, iii. 578—625. "On the nineteenth of February, Sir Robert Southwell arrived from Lisbon, with the grateful news, that Spain, so many ways distressed, had been at last obliged to treat with Portugal, king to king, under the mediation of the earl of Sandwich, whereby the independence of that kingdom is established." Ralph, i. 169, where the terms of the treaty are given. This writer adds, that Portugal was mainly indebted to some veteran English troops, who had served under Cromwell, for her frequent triumphs over the greatest force that Spain could direct against her.

of danger in its most distant approaches, but disposed him to be very careful in avoiding it. His best qualities were all in much nearer alliance with prudence than with magnanimity. He would have been the last man of his age to attempt the office of pilot in foul weather. His name is confined to questions of foreign policy, and, in them, occurs only at intervals.

Men who govern purely for the sake of power, and not under the influence of principle, will generally shape their course
 Their policy. to the wave which promises to bear them onward. Hence bad men sometimes become the patrons of good measures. As the popular current set in with much violence against France, the new cabinet resolved to fall in with it; and the course adopted by the king and his advisers, from policy, was approved by Temple from higher motives. But the persons in this "Cabal," as the new ministry was called, who exercised the greatest influence over the king, and could neutralize the plans of their colleagues almost at pleasure, were the least estimable and trustworthy of the parties which it included.

It should be observed, also, that the sense of weakness, and the desire of making friends, which disposed the new administration to consult the popular feeling in their foreign policy, influenced the complexion, in some respects, of their domestic government, though not with the same degree of success. At the adjournment which preceded the admission of the duke and his friends to office, the king gave his assent to a bill which confirmed the right of the commons to inspect the public accounts. Subsequently, some old republicans, who had been committed to prison on grounds of questionable legality, were released; and the government made no secret of aiming to conciliate the men of all political parties by the moderation and equity of its proceedings. It was announced also, in the Gazette, that, in order to the better administration of affairs, a new "constitution" had been given to the cabinet, by which its members were divided into four committees, embracing, between them, foreign affairs, the business of the admiralty, matters of trade, and the redress of grievances, the deliberations of the whole council being confined to such matters as were brought before it by these several departments. Conferences also took place, and measures were in part adopted, with a view to meet the complaints of the presbyterians and the independents, by granting to the latter a toleration, and opening a way by which the more moderate among the former might be admitted into the established church*.

But when the parliament assembled, the temper manifested in the
 Parliament. lower house, in consequence of these proceedings, was not of the kind expected by the government. On the tenth of

* Ralph, i. 169, 170.

February, 1668, the two houses met to hear the king's speech, and to be made acquainted with the intended measures of the session. Charles apprised them of the formation of the Triple League, which had taken place only a few weeks before; and having touched on the necessity of making some vigorous preparations in order that the new alliance might be rendered effective, concluded by saying, "And for the settlement of a firmer peace, as well at home as abroad, one thing more I hold myself obliged to recommend to you at this present, which is, that you would seriously think of some course to beget a better union and composure in the minds of my protestant subjects, in matters of religion, whereby they may be induced not only to submit quietly to the government, but also faithfully give their assistance to the support of it." Distrust and disunion had pervaded the parliament, particularly the lower house, during the last two years. The commons were agreed, in some sort, about the proceedings which crushed the late chancellor; but in all other respects scarcely a man appeared to be capable of reposing confidence in any portion of his colleagues. Faction itself had ceased to supply its modicum of concord; and all proposals were viewed with misgiving because it was not possible that they should originate in any quarter free from suspicion.

But this attempt of the ministry to restore union and stability to the parliament and the nation, by extending a greater measure of regard to the claims of all parties, especially to the protestant nonconformists (for in this scheme there was no allusion to the catholics) became at once a rallying point to the intolerant; so that a species of union, similar to that which had marked the prosecution of Clarendon was now displayed against the government for the purpose of upholding the penal laws against dissenters. It was alleged that the different sects were confidently expecting a bill of comprehension and toleration; that with this prospect they had become greatly elated, and presumed to assemble in considerable numbers in various parts of the kingdom. It was in consequence resolved, that such members of the house as were of the privy council should immediately approach his majesty with a humble petition, praying "that he would issue out his proclamation for enforcing the laws against conventicles." This address did not prevent a debate of several days on the subject to which it referred; but the majority in favour of enforcing the laws against conventicles more vigorously, in the place of rescinding or softening them, proved to be one hundred and forty-four, to seventy-eight*.

* The discussion on this subject affords some indication of the spirit of the times. Colonel Sandys "never knew a toleration without an army to keep all quiet." Sir S. Littleton replied, that the king of Poland granted the most extensive toleration in the world, and yet needed no army except in time of war: he also added, that the unauthorised impositions of the clergy had occasioned nearly all the disorders in English history since the accession of Elizabeth. Sir Humphrey Winch considered

Even the Triple League obtained but little favour, in consequence of being connected with measures which exposed its authors to so much suspicion and resentment. Instead of voting the required supply, the house occupied itself with a series of inquiries concerning the miscarriages in the late war. Exposure was the only punishment incurred by any delinquent, but in that penalty many were involved. Toward the end of February the sum of 310,000*l.* was voted in aid of the government; but though Charles urged with much importunity that the money should be furnished to him speedily, and went so far as to propose that it should be collected and expended under the direction of commissioners chosen by the house, it was not until nearly three months after the opening of the session, that the intolerant party in the commons could be brought to name the sources from which the promised supply should be derived, and then it was done as the price of being allowed to give additional severity to the laws against liberty of conscience*. Neither Charles nor Buckingham had found much to gratify them in the proceedings of this session, and after the eighth of May the two houses were adjourned or prorogued from time to time until the nineteenth of October in the following year.

Parliament
adjourned.

But though discouraged by the temper of the parliament, the minister did not despair of being able to meet the difficulties of his position. During the long adjournment which followed, he revised the whole system of receipts and expenditure with great care, and by acting upon a rigid plan of retrenchment, wherever it was possible, he endeavoured to bring the latter more within the compass of the former†. At the same time, he further employed himself in removing all persons from office whom he suspected of disaffection to his ascendancy. Among those dismissed through his influ-

Conduct of
Buckingham.

an army and toleration equally dangerous, and would have neither. Mr. Ratcliffe wished the Act of Uniformity revised, and "the assent and consent" reconsidered by a conference of episcopalians and presbyterians. Sir Charles Wheeler "has great kindness to the presbyterians, as they were assistant in their prayers and endeavours for the restoration of his majesty. But as for the independents, they were anabaptists, arians, socinians, many of them not christians." Sir John Birkenhead exclaimed, "In judaism, paganism, mahometanism, and christianity, in none of these is a toleration suffered. Must their mother, the Church of England, bow to a few novices?" Sir Philip Warwick had a method of settling this question equally summary. "If I prove," said the knight, "that no man need scruple anything in the church, why should he be further indulged?" *Parl. Hist.* iv. 404—422.

* "Is it not for nought," says Ralph, "that the words church and state are so often coupled together; and that the first has so insolently usurped the precedency of the last?" i. 170. Charles never filled a position entitling him to so much of the respect and confidence of his subjects as at this moment. "But the mercy shown to the dissenters, and the favour shown to the friends of liberty, spoiled all. He met with the worst usage when he deserved the best; and the champions for the prerogative preposterously glory in an opposition to the crown, because inspired by the fathers of the church." *Ibid.* *Parl. Hist.* iv. 404—422.

† See the fruit of his labour in this way in Ralph, i. 175—179.

ence or intrigue, were some of the best men in the service of the country — particularly sir William Coventry, who was compelled to resign his place as commissioner of the treasury; and the duke of Ormond, who, after repelling slander upon slander, was, at length, deprived of his office as lord-lieutenant of Ireland. Even the duke of York, inasmuch as the decency of his manners, and the sort of integrity by which he was distinguished, rendered him the natural enemy of such a minister, did not wholly escape the consequences of incurring his displeasure. But the impression produced on the king by the insinuations directed against his illustrious relative was slight and of short continuance. Charles felt the tie of consanguinity as he felt no other; and Buckingham became aware, after a while, that an attempt to sow discord between the royal brothers was much more hazardous than to intrigue against the most virtuous statesman, possessing no such hold on the sympathy of the monarch.

The supply of the last session had been voted in prospect of a war, but came into the hands of the king when all ground for that expectation had passed away. Charles may have congratulated himself on his good fortune in this respect, but his necessities soon returned; and the thought of again meeting the two houses was in no way agreeable either to himself or to Buckingham. In this state of his affairs the king was often obliged to question himself as to what was best to be done. At such moments his thoughts turned towards France, as the only foreign power on which he could possibly exercise dependence. Louis had offered to render him pecuniary assistance some years before, and since then had entered into the secret treaty with him of which mention has been made. It is true that, subsequent to the first of those periods, Louis had been a party to the Dutch war; and since the second, Charles had been a party to the Triple League. But it was not difficult to make it appear that reasons of state had rendered some inconsistency of this sort unavoidable on both sides. It was accordingly resolved by the English monarch, in connexion with such of his advisers as might be trusted in so weighty a matter, that means should be employed to ascertain the present disposition of the king of France on the question of some secret treaty with the king of England, which might be made to work for their mutual advantage. The only formidable rival of either was the Dutch, and both were agreed in their cordial hatred of that people.

As the negotiations which originated in these circumstances advanced towards maturity, religion, real or pretended, became a marked ingredient in them. The duke of York was already a catholic, principally, it is said, from reading parts of Hooker's Ecclesiastical Polity and Doctor Heylin's History of the Reformation. He knew also that the king had held conferences on that subject with lord Arundel of Wardour,

lord Arlington, and sir Thomas Clifford, in which he had expressed himself deeply anxious to be free from the constraint to which his present condition obliged him, and to do whatever might be in his power toward the advancement of the catholic religion in his dominions. At a meeting of all the parties above named, which took place in the duke's closet on the twenty-fifth of January, 1669, Charles "declared his mind to them in the matter of religion, and repeated what he had newly said before to the duke—how uneasy it was to him not to profess the faith he believed, and that he had called them together to have their advice about the methods fittest to be taken for the settling of the catholic religion in his kingdoms, and to consider of the time most proper to declare himself, telling them withal that no time ought to be lost: that he was to expect to meet with many and great difficulties in bringing it about, and that he chose rather to undertake it now, when he and his brother were in their full strength and able to undergo any fatigue, than to delay it until they were grown older, and less fit to go through with so great a design. This he spoke with great earnestness, and even with tears in his eyes *."

At the close of this protracted conference, it was agreed that the king's avowal of his conversion to the catholic religion, and the attempt to re-establish that faith in these kingdoms, should be made in connexion with France, that being the only power from which the requisite aid could be expected. More than twelve months, however, were occupied in adjusting the matters embraced in this treaty, before it was brought to its conclusion. When signed, it required the king of England to profess himself a catholic at such time as should be deemed by him expedient, and that he should then prepare himself to join the French king, whenever required by him, in making war upon the Dutch. It provided that the sum of 200,000*l.* yearly should be secured to the king of England, in quarterly payments; to aid him in suppressing insurrection; in otherwise accomplishing the proposed changes, consequent on the avowal of his conversion; and in carrying on the war. It bound both monarchs to abide by the treaty of Aix-la-Chapelle; to abstain from any separate negotiation for peace; and to maintain the recent treaty of commerce between the two kingdoms. Charles was further pledged to aid his most christian majesty in prosecuting any claim on the monarchy of Spain that might devolve to him from his connexion by marriage with the royal family of that kingdom; to render a specified amount of assistance in the intended war with Holland; and, whatever success might attend that enterprise, to be content that certain provisions should be made for the prince of Orange, and that Sluys, Walcheren, and the island of Cad-sand, should fall to his share †.

* James's Memoirs, i. 440—442.

† See the account of this treaty in James's Memoirs, i. 442, 443, and the original

But, anxious as Charles is said to have been to publish his conversion, he proved fertile in expedients for delaying to do so. He insisted that the proposed war with Holland should be postponed until the effect of his proceedings at home on the subject of religion should be in some degree ascertained. Nothing could be more acceptable than the money which came, time after time, from France; but month after month, and even year after year passed, and one excuse succeeded to another, until the summer of 1672 arrived, when Charles found himself committed, almost without his concurrence, to the long meditated war with the Dutch. To obtain this kind of assistance from England was the only point about which Louis had ever been concerned when engaging in this secret treaty; and he had accordingly done every thing in his power to dissuade Charles from declaring himself a catholic, and hazarding the tranquillity of his dominions, until the intended war with the States should be brought to its close. Having at length succeeded in this particular, he left the articles of the treaty relating to ecclesiastical matters to be either forgotten, or acted upon as might appear best to the king of England.

No one of the persons privy to this memorable proceeding entered into it with so much earnestness and sanguine expectation as the duke of York. Charles, there is reason to believe, was a dissembler, at least in great part, through every stage of the affair. He was, probably, more a catholic than anything else, but appears to have talked of religious scruples mainly for the purpose of imposing upon the persons with whom he acted, and whose assistance in this form was deemed necessary to his obtaining the pecuniary aid from France which he so much needed. To that aid he was entitled by the treaty from the time of its ratification; and the article which provided that the announcement of his change of faith should precede the declaration of war, and which left the time of that announcement to his own discretion, placed the whole treaty at his disposal*. Hence, his religious scruples were made subservient to his need, by being pleaded in excuse of delay. But the true secret of the whole proceeding is obvious. Charles esteemed it less degrading, and much less troublesome, to become the pensioner of a foreign prince, than to be obliged to regulate his conduct in the manner necessary to give him a place in the affection and confidence of his subjects.

document from the Clifford family papers in Lingard, xii. 354-367, Dalrymple's *Memoirs*, ii. 1-68.

* To dissuade the king from availing himself of that article, and to commence with the war, was the object of Louis in sending the unfortunate duchess of Orleans, Charles's sister, to pay her visit to him at Dover. The compiler of James's *Memoirs* represents the duchess as using her influence over her brother on that point with success. But if the king acknowledged any change of mind, it must have been of short continuance, for within a week from the arrival of the duchess at Dover, the treaty was signed by the contracting parties in its original shape. Dalrymple, ii. 80-84.

While the under-current exhibited in the history of this treaty was taking the course now described, the aspect of public affairs Parliament, Oct. 19, 1669. presented little promise of improvement. The last session of parliament closed in the spring of 1668, the next did not commence before the autumn of the following year. Charles, in his opening address, spoke of confiding in the continued good affection of the two houses, and having stated that the last supply had been faithfully expended upon the naval preparations since made, expressed his desire that some effectual steps might be taken toward liquidating his debts. But the statements contained in the king's speech did not prevent inquiry on the part of the commons as to the manner in which the monies voted by them at their former sitting had been applied; and the mal-appropriation said to have been proved against sir George Carteret was deemed so flagrant, that he was expelled the house.

In connexion with these investigations, the commons found time to resume their complaints against the dissenters. An address of thanks was presented to the king for his recent proclamation concerning them. On the pretence of danger to be apprehended from the conduct of the sectaries, the house, by a formal vote, expressed its determination to adhere to the king in support of the constitution in church and state, against all enemies whatsoever; and the majority, pleased with being permitted to indulge in this manner in their favourite humour, voted the sum of 400,000*l.* to meet the wants of the government.

Two other questions of some importance engaged the attention of parliament during this short session. The first was the impeachment of the earl of Orrery, president of Munster; a person whose removal from office had been deemed expedient on the part of Buckingham, and those who were most in his confidence. The impeachment, however, was so ill-sustained, that its principal effect was to expose the want both of discretion and principle on the part of the government, and to furnish another precedent in favour of an important parliamentary privilege.

The second question related to the jurisdiction of the house of peers. Skinner, a merchant of London, had complained to the king of injuries which he had suffered from the conduct of the East India Company, and Charles advised that he should lay his case before the house of lords. But the company maintained that the question was one belonging to the courts of law, at least in the first instance, and the commons joined with them in complaining of this interference of the upper house as unprecedented and unjust. But the peers manifested a strong inclination to defend the position they had taken. Declarations, opposed to each other in the most ardent terms, were published by both houses; and this discussion, which

had hastened the adjournment of May, 1668, accelerated that of December, 1669. The end was, that Charles procured a rescinding of all proceedings in relation to the matters in dispute, so as to place both parties apparently in the same relative position as before. The advantage, however, was clearly on the side of the commons, inasmuch as the judgments of the lords were vacated, and that house has never since made pretence to an original jurisdiction in civil causes*.

The two houses, adjourned in December, were re-assembled in the following February. The king came to the opening of the session attended by his guards, in military array. That novelty was accompanied by another, which became no less a matter of general talk—namely, his frequent attendance in the house of lords during the debates. Concerning the latter practice, Charles observed that it was an ancient custom, which his predecessors should not have allowed to fall into such desuetude, and he professed to derive both amusement and instruction from the discussions to which he listened. But the attention excited by these occurrences was much less than that which related to the present state of religious parties. The following passage from Baxter describes the state of the non-conformists during the last three or four years. “The ministers of London, who had ventured to keep open meeting in their houses, and preach to great numbers, contrary to law, were, by the king’s favour, connived at, so that the people went openly to hear them without fear. Some imputed this to the king’s own inclinations toward liberty of conscience, some to the power of the duke of Buckingham, some to the influence of the papists, who were for liberty of conscience for their own interest. Whatever was the secret, it is certain that the great visible cause was the burning of London, and the want of churches for the people to meet in, it being, at the first, a thing too bad to forbid an undone people all public worship with too great rigour; and if they had been so forbidden, poverty had left so little to lose, that they would still have gone on, as in desperation. Therefore, some thought all this was done to make necessity seem a favour. Whatever was the cause of the connivance, it is certain that the country ministers were so much encouraged by the boldness and liberty of those in London, that they did the like in most parts of England, and crowds of the most religiously inclined people were their hearers†.” The same writer states, that this activity of the non-conformists, together with the dissatisfied state of the people, on account of their civil burdens, the decay of trade, the burning of the city, and the general inefficiency of the conformist clergy, greatly impaired the credit of the prelates, and of the church itself, through the kingdom‡.

Sufferings of the non-conformists. Conferences and disputes on that subject. 1670.

* Parl. Hist. iv. 428—441.

† Life and Times, part iii. 22, *et seq.*

‡ It is worthy of notice, that, amidst the displays of high church feeling, oc-

Charles, in his conferences with the leading non-conformists, professed to deplore the bigotry of the commons, and still spoke of looking forward to a bill of comprehension and toleration in their favour. But all men saw that money was the king's great want, and that it was in vain for him to expect assistance of that nature from the parliament, except on condition of his becoming its tool in the work of religious persecution. Hence the proceedings of the last two sessions, which put an end, for the greater part, to the state of comparative freedom described in the above passage. Still the dissenter, though he could not at present count on more than a third of the lower house as friendly to his claims, was becoming a person of more weight in the state of society every day. The vexation and tyranny which attended the execution of the penal laws placed the sympathy of multitudes on the side of the sufferers; while, in other quarters, similar effects were produced by the ability of those who appeared as their defenders against the attacks of every description daily made upon them from the press. Had the bill of comprehension and toleration, agreed upon by the deputies from the court, the presbyterians, and the independents, been approved, it would have secured to the latter sect the great object of their solicitude; and among the presbyterians, according to Baxter, there were at least fourteen hundred ministers who would have been found willing to conform*. But the fond hopes thus raised were soon blighted, and the penal laws, in the place of being repealed, were made more severe, and enforced with greater rigour.

The most conspicuous person among the adversaries of the nonconformists was Samuel Parker, the son of a puritan, and a man who rose from a menial station in Oxford to be bishop of that city.† This work was intitled

cursing so frequently in the early proceedings of this parliament, the conformist clergy do not appear to have been the object of much esteem in any quarter. At the close of 1663, Pepys writes, "M. Blackburne told me how highly the present clergy carry themselves everywhere, so as that they are hated and laughed at by every body. And I am convinced, in my judgment, not only from his discourse, but my thoughts in general, that the present clergy will never heartily go down with the generality of the commons of England; they have been so used to liberty and freedom, and are so acquainted with the pride and debauchery of the present clergy. He did give me many stories of the affronts which the clergy receive in all places of England, from the gentry, and ordinary persons of the parish." ii. 116, 117.

* "How joyfully would fourteen hundred, at least, of the now conformable ministers of England have yielded to those terms, if they could have got them; but alas! all this labour was lost, for the prelates and prelatists so far prevailed, that, as soon as ever the parliament met, they prevented all talk or motion of such a thing." *Life and Times*, part iii. 22—36. These pages give an account of the changes in the liturgy agreed upon by the court and the presbyterians, with a view to the proposed comprehension.

† "Many books were written to expose the presbyterians, as men of false notions in religion, which led to anti-monarchy, and which would soon carry them into a dissolution of morals. The most virulent of all that wrote against the sects was Parker, who was afterwards made bishop of Oxford by king James, who was full of satirical vivacity, and was considerably learned, but was a man of no judgment, and, as to religion, rather impious." Burnet, i. 541.

"A Discourse of Ecclesiastical Polity." Its object was to demonstrate the fallacy of all pleas for religious liberty, and to vindicate the authority of the magistrate as extended over the conscience, with regard to all matters of external religion. In its substance, the book described the non-conformists as being of necessity the enemies of all social order, while the great conservative principle of the state was to be found in the doctrine of passive obedience, understood in its utmost latitude. The author flattered himself that his publication was unanswerable, and Sheldon, the primate, appears to have been of the same judgment. But, not to mention other opponents, this unfortunate production had to encounter the learning of doctor Owen, and the wit of Andrew Marvel. The reply to the "Ecclesiastical Polity" by the first of these writers procured him much applause from the non-conformists and their friends, and called forth the most abusive language from his opponent. He was denounced as a "son of Belial," as a viper so swollen with venom "that he must spit his poison or burst," and no man could do better service to the community than in "breaking down his interest and reputation*." But even such expressions are moderate compared with those which proceeded from the same quarter when Marvel published his "Rehearsal Transposed," a book which, by the force of its satirical humour, turned the laugh of the court, and of the nation, against the polemic and his admirers. But the ignorance and prejudice which characterised the measures of parliament, and the temper of a large portion of the people on the subject of religious differences, were not to be speedily discomfited by any display of wit or argument †.

The king's principal advisers at this time were Clifford, Arlington, Buckingham, Ashley (Shaftesbury), and Lauderdale. These persons formed the administration since sufficiently known The "Cabal." under the name of the "cabal" ministry. That term had been applied to the cabinet generally as it was constituted immediately after the fall of Clarendon; but was given at this time to the sort of secret committee above-named, because formed by the initials of the parties included in

* Owen threw the substance of his opponents' discourse into the form of a royal decree, the preamble of which, derived, in its language as well as its doctrine, from the "Ecclesiastical Polity," reads as follows:—"Whereas we have an universal and absolute power over the consciences of all subjects, in things pertaining to the worship of God; so that, if we please, we can introduce new duties never yet heard of, in the most important parts of religion, so that, in our judgment, it doth not countenance vice, or disgrace the Deity; and whereas this power is naturally inherent in us, not given or granted to us by Jesus Christ, but belonged to us, or our predecessors, before even he was born; and this being such that we ourselves, if we would, might exercise the special affairs and duties of religion in our own persons, though we are pleased to transfer such exercise to others; and whereas all our prescriptions, impositions, and injunctions, on these things, do immediately affect and bind the conscience of our subjects, because they are ours, whether they be right or wrong, true or false, we do accordingly enact and ordain, &c. &c." ii. 113.

† "The author of the Rehearsal Transposed had all the men of wit (or, as the French phrase it, all the *laughers*) on his side." Burnet, i. 450, 451.

it. Clifford and Arlington were catholics. Clifford was a person of much boldness, promptitude, and energy; but of "a rough, ambitious nature," and if capable of kindness to his friends, could betray even the best of them, when his own interest appeared to recommend the adoption of such a policy. He was a chief adviser in the worst measures adopted by the cabal. His rashness seemed at times to exceed that of Shaftesbury himself, and was the more dangerous, as being usually allied, in his case, with some caution and steadiness of conduct in prosecuting his plans when chosen. By his temper and example, Arlington was forced into courses on which his timidity would not have allowed him to enter alone. So earnest and unscrupulous had been his efforts to acquire and retain power, that his resignation of office a little before his death, on a plea of conscience, surprised every one, and the effect of the still mysterious necessity which governed his conduct at that crisis, was to make his few remaining days a burden, and his death premature. The ability which he displayed in the house of commons recommended him to Arlington, who became his chief patron, but lived to find himself supplanted by treachery, in the place of being repaid by gratitude*. Arlington, unlike his protégé, was a person of polished address, and greatly deficient in courage; but was as little influenced by principle of any kind, when his object was to obtain or preserve the favour of the crown. Of Buckingham and Ashley (Shaftesbury) we have spoken before. Lauderdale had been parliamentary and covenanter, and to the last professed himself a presbyterian. But his great object was the approbation of the king, and for that end he had shown himself willing to execute the most arbitrary, inconsistent, and cruel measures.

We have seen that Arlington and Clifford were parties to the secret treaty between Louis and Charles. That treaty was signed in May, 1670, but could not of course be acted upon, so far as it related to a war with the United Provinces, except on the ground of another that might be made public. It was accordingly arranged between the two monarchs, that Buckingham, Shaftesbury, and Lauderdale should be employed in negotiating a public treaty, the counterpart in nearly every respect of the secret one, with the exception of the articles relating to the alleged conversion of the English monarch, and his intended measures with regard to the ecclesiastical affairs of his dominions. Buckingham was sent to Paris on this subject in the summer of 1670, and after having laboured to overcome the affected delays, now of the one monarch, and now of the other, he

* Evelyn, ii. 385—390. The duke of York urged the king to bestow the office of treasurer on Clifford; and though his royal highness states that the conduct of the treasurer in refusing to take the test oath was purely his own act, it is probable that it resulted from his finding himself bound to the duke by ties that could not safely be broken.

was allowed to bring a treaty of the nature described to its conclusion in the January of the following year. Those who were in the secret smiled apart, when the duke returned full of boasting as to the effect of his diplomatic efforts*.

While Buckingham was thus employed, the parliament assembled according to adjournment. The lord-keeper in his speech ^{Parliament,} apprised the two houses of the great armaments which the ^{Oct. 24, 1670.} king of France and the United Provinces had been for some time engaged in fitting out, and dwelt much on the necessity of similar preparations on the part of England, as the only adequate precaution against possible danger. The sum required to place the English navy in the condition demanded by this aspect of affairs was fixed at 800,000*l*. Fifty men of war were said to be necessary as a disposable fleet; the exact force which Charles had promised in the secret treaty. Mention was also made of a treaty as pending between France and England, but it was adverted to as relating to commerce only. It was agreed that the sum named by the lord-keeper should be raised—partly in the form of subsidies on real and personal estates, partly in the way of excise, and partly as a duty for a certain time on law proceedings. The parliament then adjourned until the following January†.

In course of the debate concerning the supply voted in the form mentioned, it was proposed that all persons visiting theatres should ^{Assault upon} be made to pay a graduated tax, according to the accommo- ^{sir John Co-} dation of which they availed themselves. The courtiers op- ^{ventry.} posed the motion, and one of them did so on the ground that players were “the king’s servants, and part of his pleasures.” Sir John Coventry expressed a wish to know “whether his majesty’s pleasures lay among the men players or the women.” This speech gave great offence at court. With the concurrence of the king, and against the strong remonstrance of the duke of York, a party, consisting of thirteen soldiers belonging to the regiment of the duke of Monmouth, and acting under the direction of sir Thomas Sandys, their lieutenant, waylaid the offender on the night of adjournment, in the neighbourhood of his lodgings, and having punished him with blows, threw him on the ground, and inflicted a deep wound on his nose with a knife. Most of the ruffians escaped, but some of their number were recognised, and committed to prison. The king, though he affected a tone of indignation, and talked of being much the most

* Dalrymple, ii. 68—80. The prince of Orange paid a visit to his uncles in England while this treaty was in progress. Charles sounded him, with some idea of admitting him to a knowledge of the secret treaty, expecting to bind him to it by making provision for him in Holland through the agency of France. But the king is said to have “found him so passionate a Dutchman and protestant,” that all notion of that sort was given up. *Ibid.* 79.

† Parl. Hist. iv. 456—460.

injured party even now, and spoke of seeking further redress, looked forward to the close of the recess with some anxiety. The commons were then to meet by adjournment, and would no doubt take up the matter as an insult and an infringement of privilege affecting the whole house. Much passionate declamation accordingly ensued, and all business was suspended until reparation should be made for the dishonour cast upon the commons of England. But the king and the government mollified the resentment of the more violent by abstaining from interference in behalf of the culprits; and a bill was passed "to prevent malicious maiming and wounding," which made such conduct felony, without benefit of clergy. This act, from the circumstance of its origin, was known by the name of the Coventry act*.

The principal business of the session, after the passing of that bill, related to the manner of raising the supply which had been voted before the Christmas recess. But out of that question there arose several others. It was proposed that members of parliament absenting themselves from their places beyond a certain time, without due cause, should be subject to the payment of a double subsidy. But it was objected that such a clause would be difficult to enforce; that there were not more than forty members out of the five hundred that would be included in it; and above all, as the clause could not be enforced as part of the bill before the house without the sanction of the lords, it would involve a concession to the upper house inconsistent with the complete and independent power of the house of commons over its own members. The motion was accordingly lost by a majority of more than two to one.

This jealousy of its power on the part of the house of commons became still more manifest, when the lords, in compliance with the petitions of various merchants, made alterations in a bill relating to certain new duties which the commons proposed to lay on some articles of foreign merchandise. The commons objected to these alterations, maintaining that the power of the lords on money-bills was simply to receive or reject, and not to alter. The lords, in successive conferences, endeavoured to justify what they had done, both by reason and precedent. But the commons were immoveable, and the effect, as the session approached its close, was the loss of the bill to the king, without a settlement of the question which it had thus served to bring into discussion.†

* Parl. Hist. iv. 460—470. "They passed a bill of banishment against the actors (in this affair); and put a clause in it, that it should not be in the king's power to pardon them. This gave great advantage to all those that opposed the court; and was often remembered, and much improved, by the angry men of this time." Burnet, i. 270.

† Parl. Hist. iv. 470—496. Charles attributed the loss of his money-bill to the

The dispute, which occasioned this loss to the revenue saved the English catholics from the severities of a new law against them, which, at the end of the session, had passed the lower house, and nearly reached its last stage in the upper. Charles, who had often consented to persecute the nonconformists, for the sake of the money with which the commons were ready to supply him only on that condition, now acted on the same policy toward the catholics. It is not improbable that the known increase of the catholic religion at court had led to many indiscreet manifestations of it elsewhere. It is certain, so loud was the cry now raised against them, that Charles, though by private profession a catholic, and bound by treaty soon to declare himself as such, was induced to issue a proclamation, in which he described himself as "much content" with the zeal displayed by the two houses on this subject; and declared that, "as he had always adhered to the true established religion, against all temptations whatsoever, so he would still employ his utmost care and zeal in the maintenance and defence of it." The parliament was prorogued on the twenty-second of April, 1671, and was not suffered to meet again until February, 1673*.

The ascendancy of the cabal ministry extended from 1667 to 1673, and may be said to have divided itself into three periods. The ascend-
During the first, the measures were far better than the ency of the
men, though the motives in which they originated were Cabal minist-
no doubt much more those of policy than of principle. try divides it-
The formation of the Triple League; the attempts made to self into three
introduce more order and economy into the government, and to extend re- periods.
lief to the nonconformists, were their good works during that period. But
from 1669 to 1671, their great occupation was in negotiating and protract-
ing the secret treaty with France, which was, in fact, an infamous
conspiracy, aiming at nothing less than the overthrow of the protestant
religion, and of the liberties of Europe. During the next two years, the
members of this wretched fraternity continued to descend in infamy, and
involved themselves in greater difficulty at every step.

It was manifest by this time, that it would not be possible much longer to defer attempting to fulfil the provisions of the treaty with France; but it was equally certain that the English parliament was in no temper to concur with such a treaty. The large supply of the last session had been voted in support of the Triple League; and nothing was further from the thoughts of the two houses, than contributing to a war against the United Provinces, in conjunction with France†. Hence the

meddling of Buckingham. The king appears to have been in ill-humour with Buckingham, Lauderdale, and Shaftesbury at this moment. Dalrymple, ii. 37, 38.

* Parl. Hist. iv. 476—480.

† The duke of York made no secret at this time, in certain connexions, of his wish to place the whole power of the English parliament in abeyance. This appears in the following communication made to Louis by Mons. Colbert, dated June, 1671. "I found the duke of York in the same sentiments

great difficulty of the government was, to find the means necessary to support itself in the course of policy to which it was pledged, without looking to the house of commons. The treasurer's staff, which had been for some time in commission, was offered to any man who should devise some expedient for meeting this exigency. The expedient suggested by Shaftesbury, and recommended to the king by Clifford, was, that the exchequer should be closed for twelve months, which would place about 1,300,000*l.* of public money at the service of the government. The king and the cabal expressed their approval of the measure, and it was then brought by Clifford before the council, where no one was suffered to oppose it, unless prepared with another scheme promising as large an amount of assistance. This violation of the public confidence, which

The exchequer closed. was in effect a declaration of national bankruptcy, was accordingly adopted. Claimants, indeed, were told, that they should receive an interest of six per cent. during the next twelve months, and be empowered at the close of that interval to recall their principal. But many were not in circumstances to afford the loan which was thus wrested from them; and the failures, distrust, and suffering, which ensued, soon demonstrated that the injurious consequences attendant on this unprincipled proceeding would greatly outweigh its expected advantages*.

Of the same character with that measure was the attempt to capture the Dutch fleet in its way from the Mediterranean. The Triple League, which bound the two powers, was still unbroken on the part of the United Provinces, and the enterprise was in reality an act of open piracy. It so far failed, however, partly through the selfishness of the English admiral, sir Robert Holmes, and partly through the skill and bravery of his adversary, Van Nesse, that its chief effect was to warn the nations of Europe against confiding in the faith of treaties on the part of his Britannic majesty, or of his present advisers†.

This proceeding was a virtual declaration of war, and, with the prospect which it placed before him, Charles endeavoured to strengthen his position at home, by extending his protection to every class of nonconformists. By this means, and by means of the wealth, the possessions, and the com-

with the duke of Buckingham with regard to the meeting of the parliament, having told me of himself, without my entering upon the subject, that, if his advice was followed, they would be very cautious of assembling it; adding, in confidence, that affairs are at present here in such a situation as to make him believe that a king and a parliament can exist no longer together. That nothing should be any longer thought of than to make war upon Holland, as the only means left without having recourse to a parliament, to which they ought no longer to have recourse until the war and the catholic faith had come to a happy issue, and when they should be in a condition to obtain by force what they could not obtain by mildness." Dalrymple, ii. 80.

* James's Memoirs, i. 488. Burnet, i. 561. North's Examen, p. 37.

† James's Memoirs, i. 456, 457.

mercial advantages, expected to accrue from the war, the monarch hoped to realise the great objects of his secret treaty with Louis. The declaration of indulgence issued with this view suspended all the penal laws in force against nonconformists, and granted them the free use of separate places of worship. It conferred the same liberty on the catholics, excepting that their religious exercises were to be confined to private houses. There were two considerations, however, which rendered this boon of doubtful value. It owed its existence to a dispensing power assumed by the crown, and which, of course, supplied a very dangerous precedent. It was hardly a secret, moreover, that the benefit intended by it was designed ultimately for the catholic much more than the protestant. It will not, we suppose, be denied that the nonconformists, in accepting of liberty through such a channel, were acting in opposition to their long recognised principles. But, on the other hand, the conduct of their high-church opponents, in abandoning the dogma of passive obedience so soon as their adherence to it became inconvenient to their spirit of intolerance, was a change not less striking, and much more disreputable. This unnatural position, however, of these rival parties could not be of long continuance.

The document which proclaimed this indulgence was published on the fifteenth of March : two days afterwards Charles issued his declaration of war. In justification of his proceedings, he alleged that the Dutch had refused to strike to the Eng- War declared against the Dutch.
lish flag in the narrow seas ; that his subjects had suffered in various ways from the perfidy and monopoly by which the commercial proceedings of the States were characterised ; that the government of Holland had permitted a series of public insults to be cast upon him personally ; and that war was thus made indispensable if the honour and welfare of himself and his subjects were to be duly protected*. Sweden was prevailed upon to unite with France and England, and engaged to watch the states of Germany, that no assistance might be rendered to the United Provinces from that quarter.

The maintenance of the war by sea rested for the most part with England ; and it was determined that the fleets of England and France should meet at St. Helen's, near the Isle of Naval proceedings.
Wight. But the Dutch fleet, under the command of De

* " No clap of thunder in a fair frosty day could more astonish the world than our declaration of war against Holland in 1672, first by the matter of fact, in falling upon the Smyrna fleet, and in consequence of that by formal declaration, in which we gave reasons for our quarrel, while France contented themselves to give no other than the glory of that king. The Dutch could never be possessed with a belief that we were in earnest, but thought that our unkindness of late would end in demands of money. The princes concerned in their safety could not believe that, after having saved Flanders out of the hands of France, we could suffer Holland to fall into the same danger ; and my lord Arlington told me, at that time, that the court of France did not believe it themselves till the blow was struck in the attack of the Smyrna fleet, but then they immediately set out their declaration." Temple's Works, i. 379.

Ruyter, consisting of seventy ships of the line, besides fire-ships, put to sea so much before the English and French were in a state of readiness, that the Dutch admiral succeeded in placing himself between his enemies, so as to render their proposed meeting westward, without hazarding an engagement, a work of great difficulty. The fleet which sailed from the Nore under command of the duke of York did not exceed forty ships of the line, beside the usual complement of fire-ships. In attempting to join the French, supposed to be on their way from Brest, the duke came within sight of the scouts of the enemy, and nothing except the fog which came on soon afterwards could have saved him from an engagement on terms so unequal. Thus favoured, he continued his course along the Channel, passed the enemy without being discovered, and joined the French fleet, under command of count d'Estrées, the vice-admiral of France, at the place of rendezvous. As the fog dispersed, De Ruyter made his appearance in the Dover roads, about two hours after the duke had been seen from the English coast passing in full sail to the westward. Having failed to prevent the junction of the enemy, the Dutch commander deemed it inexpedient to proceed farther westward, and sailed in the direction of Ostend.

Two days after the meeting at St. Helen's, the combined fleets sailed eastward, in hope of being joined, after passing the Straits of Dover, by a reinforcement of ships from the Nore, and also of discovering the enemy. But the wind being unfavourable, some days elapsed before much progress could be made. In the mean time the expected reinforcement arrived, and on the nineteenth of May the Dutch fleet was seen in the distance, near its own coast. De Ruyter had chosen his position on the leeward side of a huge sand-bank, which, as it lay out of the trade-course, was little known to seamen. The duke, that he might come upon the enemy with the advantage of the wind, would have run his whole force upon the sand, had he not been made sensible of his danger by the earl of Sandwich, and by two experienced sailors, who confirmed the earl's opinion. This stratagem having failed, the hostile fleets tacked repeatedly within gun-shot of each other during that day and the next; but De Ruyter, who had the choice of battle at his disposal, declined an engagement. Nor was this done without reason. In courage the Dutch commander had no superior, and in the prompt sagacity demanded by his profession was the first man of his age. The skill of his movements during the last few weeks, and particularly at this moment, in avoiding a battle when so closely pressed by his opponents, extorted admiration. But the advances of Louis, with the apparently overwhelming force under his command, had just now spread great alarm through the Provinces, which seemed only to require the addition of disaster at sea to become unmanageable and ruinous. It was the policy of De Ruyter, accordingly, to preserve his fleet from sharing in this feeling of dismay, by keeping it at sea, and at the same

time to avoid a general engagement, except with the fair prospect of victory*. Hence, in place of accepting the challenge now offered, he drew his ships within the protection afforded by the shallows of the neighbouring coast, and cast anchor. When this was done, the duke also withdrew, and sailed toward Southwold Bay, to take in water and other supplies, which had become necessary in consequence of the hurried manner in which the fleet had been equipped. But De Ruyter, having learnt from an English collier captured by one of his cruisers, that the English and French, confiding in their apparent security, were so occupied with taking in ballast and stores, as to be incapable of assuming a good posture of defence, if approached suddenly; and the wind being highly favourable, he resolved, though contrary to the advice of the majority of the officers, to sail under cover of the night, in hope of taking the enemy by surprise at day-break. This resolution was kept secret until night-fall, when the whole fleet put to sea. It was about two o'clock in the morning, when the sound of guns from a French vessel which had fallen in with the scouts of the enemy, announced the approach of the Dutch, and, as the morning advanced, the fleet, which the evening before had been busy in taking stores at Goree, was seen bearing down toward Southwold Bay from the windward.

The combined fleets placed themselves in order of battle, in the best manner which the surprise of the moment admitted, but not^{Battle of} without considerable disadvantage, many of their ships^{Southwold} being prevented, by their position, from engaging until^{Bay. May 28.} several hours after the battle had commenced. The first gun was fired about eight o'clock, and, from the onset, the struggle was maintained with the greatest fury on both sides. By eleven, the Prince, the ship of the English admiral, was so disabled, that the duke was obliged to abandon her, and went on board the St. Michael, a second-rate. Much confusion now prevailed. The wind had fallen; smoke enveloped everything; and hostile ships were mingled with each other in great disorder. The duke, who had been opposed from the beginning to De Ruyter, now gained the windward of his opponent, but soon found that he had run himself between the squadron of the admiral and that of Amsterdam. The earl of Sandwich was opposed to the force under Van Ghent, and was pressed by the enemy with much vigour from all points. About the middle of the day Van Ghent was slain; but the earl's ship, the

* "The animosities of the parties in Holland, long expressed under the new constitution and De Witt's ministry, began to flame again on this misfortune of the state. The friends of the prince of Orange talked loud and boldly. All men expected a sudden change; the states were in disorder, and irresolute what to do; the troops were without a general, and, which is worse, without heart; and though De Ruyter, by admirable conduct, kept the infection of these evils out of the fleet, yet faction, distrust, sedition, and distraction, made such entrances upon the state and army, that, when the French troops invaded them, of all the towns and fortresses on the German side (held impregnable in all former wars), not one beside Maestricht made any show of resistance." Temple's Works, i. 380.

Royal James, after being much disabled, and when nearly half her men had been swept away by the raking shot of the enemy, took fire. Many of her crew were drowned, and, among the number who thus perished, was the gallant earl himself. By this time, three of the duke's ships, not hitherto engaged, came to his assistance, which enabled him to keep the Amsterdam squadron in check, and to do much execution on the enemy. Still there was no appearance of victory on either side. By five o'clock the *St. Michael* was so much damaged in her masts and rigging, and had received so many shots between wind and water, as to be no longer capable of holding her place in the line. The duke, having given orders that she should be taken to the rear, so soon as he should succeed in raising his standard on board the *London*, made his way toward that ship with some difficulty. The wind now blew a fresh gale, and had separated both friends and enemies considerably from each other, so that the shaloup in which the duke embarked from the cabin window of the *St. Michael*, though manned by skilful rowers, was beating about more than three-quarters of an hour before she reached the *London*. About seven o'clock in the evening De Ruyter drew his several squadrons together, and fell to leeward, where the *Zealand* squadron and the French had been partially engaged during the greater part of the day. This movement not only gave James the windward of the enemy, but permitted his receiving a reinforcement of five or six able ships under command of sir John Jordan. The force now with the duke consisted of about thirty ships of the line, beside several fire-ships. The remainder of the English fleet had joined the French, as De Ruyter had borne down toward them, and were still to the leeward of him. "This," says James, "was the posture of both fleets just after sunset. And thus ended this memorable day, in which the Dutch, with all the advantage they could desire, of surprise, of wind, of number of ships that engaged, were far from victory over the English." The *Hollanders* had lost three ships; the English lost the *Royal James*; and the scale of loss and damage in other respects appears to have been greatest on the side of the Dutch. De Ruyter, it will be remembered, was the first to draw off from the action.

The night proved fair, with little wind; and the same weather continued until day-break, when James saw the Dutch about half a league to the leeward, but no sign of the ships which had parted from him to join the French the evening before. By nine o'clock, however, they were discovered, together with the French squadron, still more to the leeward than De Ruyter. The duke immediately made sail to join them, and though it was necessary he should pass the enemy to do so, no effort was made to disturb him in his course. James now summoned a council of officers, that the condition of the whole fleet might be ascertained, and measures taken accordingly. It appeared that, though the *Royal James* was the only ship lost, several were in no state to continue long at sea,

and the ammunition of others was nearly exhausted. Hence it was resolved that the whole fleet should proceed to Sheerness and refit. But this resolution was no sooner acted upon, than the Dutch were seen turning round and sailing in the same direction, as if in pursuit of a fugitive enemy. De Ruyter hoped, by following thus in the wake of his opponents, to acquire the credit of having driven them from the open sea. But new signals were immediately given by the duke; several disabled ships were sent to the Nore, and the remainder were arranged in order of battle. This was not according to the expectation or the hope of De Ruyter, who now resumed his course toward the Dutch coast. The two fleets pressed closely upon his rear, nor would he have reached harbour without the loss of the more damaged portion of his fleet, amounting to fifteen or sixteen ships, had not a fog come on at the moment when his pursuers were almost in the act of capturing them. The English admiral then returned to the Nore, "hoping to be the first at sea again, as he had been the last to keep it*."

These actions at sea took place in May, about two months after Charles had published his declaration of war; and, at the same time, Louis entered the Netherlands, with an army of ^{the Progress of the French} a hundred and twenty thousand men. For a time the ^{army under Louis.} subjection of the United Provinces seemed inevitable.

But they checked the progress of the French monarch, by laying a portion of their country under water. The enemy was dispirited by the delays thus produced; and when the skill and courage of the young prince of Orange effected a union between his forces and those of his allies in Germany, the French found themselves compelled to relinquish their conquests, and with a rapidity almost as sudden as that with which they had been acquired. William had not yet passed the twenty-second year of his age; but such were his achievements, while opposed to the collected strength of the greatest power in Christendom, led on by the most experienced generals of the age. Spain and Austria, the ancient enemies of the States, now became their allies, while the danger to those provinces proceeded from France and England, the powers from which they had derived their chief support during the long struggle which ended in the establishment of their independence. The war lingered on nearly two years, when Charles, disappointed in its results, and weary of the complaints which it produced among his subjects, signed a separate peace with the States † on the fourth of January, 1674.

Before that time the fate of the cabal ministry was determined. The last session of parliament closed in April, and the two houses ^{Parliament,} should have assembled by prorogation in the following Feb. 4, October. But so great was the discontent which the sud- 1673.

* James's Memoirs, i. 455—472.

† Temple's Works, i. 380—397.

den prorogation, and subsequent measures had produced, that it was deemed advisable to postpone the meeting of the two houses from October to February. In that month, nearly two years after its last sitting, the parliament assembled. Shaftesbury, in behalf of the government, pleaded the necessity of the war with Holland, of shutting up the exchequer, and of granting liberty of worship to the protestant dissenters; and called, in conclusion, for a liberal supply, as the only means by which the king could hope to obtain an honourable and advantageous peace.

The first object of the commons was to annul certain elections to
The commons claim the right of issuing all writs for new elections. vacancies in their house, which had taken place since the last sitting. Writs had been issued for this purpose by Shaftesbury, now lord chancellor, who, by this means, had contrived to increase the number of his supporters. But the opponents of the government maintained that all such writs should proceed from the speaker of the house, and, though no precedent could be urged in support of this pretension older than the first year of the long parliament, Charles was prevailed upon to admit its validity*.

But a matter of deeper interest with the parliament at this moment was the declaration of indulgence, which had now been in operation nearly two years. The declaration was censured
The commons oppose the king's declaration of indulgence. generally and vehemently. But a distinction was now made between the catholic and the protestant nonconformist, which that assembly, from the time of its first meeting, had sternly refused to admit. It was stated by a large proportion of the members, that they had no wish to deprive the dissenters of the freedom which that indulgence had conferred upon them; but they objected most solemnly to its being granted, as it had been, by an exercise of the prerogative. The king might prevent an infliction of the penalties connected with particular statutes by the pardon of particular persons; but it was declared, on a division of one hundred and sixty-eight against one hundred and sixteen, that the statutes themselves could not be suspended, except by an act of parliament. Charles expressed his regret that the house should thus question a right, which, as he alleged, former practice had so long sanctioned as belonging to his crown. The commons replied, in still stronger language, that the constitution knew nothing of any legislative power in the crown, except as exercised in concurrence with the two houses. Charles appealed to the lords, the majority of whom would, probably, have supported his views, in whole or in part; but, with the
The king consents to cancel it. unsteadiness always sooner or later betrayed by him when pressed with difficulty, the monarch at length consented that the obnoxious declaration should be withdrawn †.

* Parl. Hist. iv. 501—512. North's Examen, 56.

† Parl. Hist. iv. 515—561, Charles cancelled the Declaration of Indulgence on

The people watched this contest with the greatest interest, and on learning its result, testified their delight by bonfires, and other expressions of rejoicing. The nonconformists, too, were everywhere so far suspicious with regard to the designs of the court, as to abstain from offering the least aid to the government while engaged in defending a measure said to have been designed chiefly for their benefit. Even those among them who had availed themselves of the indulgence, were forward in joining the popular cry which reprobated this dispensing power of the crown as a flagrant infringement of the constitution, and the destined inlet of popery *. The people maintained that the object of the government was to introduce popery and arbitrary power. The court declared the accusation to be ill-founded and malicious. But in proof of the contrary, appeal was made to the aspect of the war with Holland; to the character of many among the officers intrusted with the command of the forces raised for that object; to the known or suspected prepossessions of several members of the cabinet; and even to those of the duke of York himself.

So prevalent were these misgivings, in the parliament, as well as in the country, that the house of commons could not be led to regard the act of the king in withdrawing his indulgence, and in placing the catholics on their former footing, as a sufficient security. The house passed a resolution which required that all persons holding civil or military offices should be obliged to take the oath of allegiance and supremacy; to receive the sacrament according to the forms of the established church; and to renounce the doctrine of transubstantiation.

Much might have been said in opposition to the principle of this bill, particularly as holding out a temptation to religious hypocrisy, and as of more force to exclude the honest man than the rogue. But it passed both houses, with scarcely the appearance of opposition, and without a division. The king also, though he must have foreseen its effect on the duke of York, and on some of the most confidential persons about him, gave his assent to it almost without hesitation.

the evening of the seventh of March, and his having done so was reported to the parliament on the following day. "The chancellor, the treasurer, Buckingham and Lauderdale, are of opinion to maintain this declaration of the king their master, in favour of the nonconformists; and that if the parliament persist in their remonstrances, as it is not doubted they will, to dissolve it and call another: they do not even want good reasons to support their opinions. My lord Arlington, who is at present singular in his sentiments, says, that the king, his master, ought not to do it." Colbert to Louis XIV. on March 9th. Dalrymple, ii. 89, 90. Still Burnet describes Shaftesbury as taking a different course in his place in the house of lords, so early as the 1st of March. But we have no trace of such an occurrence in the records of parliament. Nor does the testimony of lord-keeper Guildford in Dalrymple (ii. 90) point to any such scene as is described by Burnet, though cited as to that effect by Lingard, xii. 265.

* "This prudent behaviour of theirs (the dissenters) did so soften the church party, that there were no more votes or bills offered at against them, even in that angry parliament, that had formerly been so severe upon them," Burnet, ii. 6, 7.

Two causes, especially, operated to produce this series of concessions on the part of the king—the secret advice of Louis, and the prospect, by this means, of obtaining a large supply. One of the first acts of the commons had been to vote the sum of 1,260,000*l.* for the service of the government during the next eighteen months, to be raised in monthly instalments. But that vote did not place the specified sum at the king's disposal. For that purpose other proceedings were necessary, and those were kept in a significant abeyance until the concessions which it was agreed to insist upon should be obtained. Louis, at the same time, was desirous that the English monarch should not embroil himself with his subjects, at a juncture when their assistance was of so much importance, and, accordingly, used all his influence with his ally in favour of his conceding almost anything that might be necessary for that object.

By the Test Act, to which the protestant nonconformists were a party, a grievance was imposed on that body which continued to our own time. They had often been deceived by the court : they were now to be deceived, and in a manner not less ungenerous, by the opposition. In framing the Test Act, care was taken, from some mysterious cause, that it should disqualify the dissenter as well as the catholic, by making it equally necessary to receive the sacrament, and to declare against the doctrine of transubstantiation. With this bill, indeed, another was introduced, by the friends of the dissenters, or by men who pretended to be such ; the professed object of which was to relieve that class of persons from the disabilities imposed on them by the general test. But a number of little difficulties were allowed to impede the progress of this bill until the approach of Easter. The season then called for an adjournment ; and that adjournment was followed by a prorogation—an act by which all unfinished proceedings on bills are made void. In this manner, what had been done on the Dissenters' Relief bill was annulled, and from that time it was deemed useless to urge any consideration of the question on the attention of parliament. Thus from 1673 to 1828, the protestant dissenters of England were proscribed by the constitution, as a people not to be trusted with any office that might be betrayed by them to the injury of their country. This stigma was somewhat diminished, but by no means removed, by the annual indemnity bill, which preceded the abolition of the Test Act *.

The history of the "relief" bill may, perhaps, be regarded as affording a fair indication of the complexion of the country party at this period. It consisted, for the most part, of men who were distinguished by their attachment to the constitution, and to the church of England. It embraced a considerable number who were decidedly favourable to a toleration of

* *Parl. Hist.* iv. 559—577. *Burnet*, ii. 6, 7. *Neal*, iv. 418—423.

the protestant dissenters, being themselves presbyterians or old parliamentarians ; but a much greater number, especially if we include the two houses, who were stanch churchmen, or discontented cavaliers, and whose prepossessions in favour of the church of England were not sufficiently modified by the slowly improving spirit of the times, to prevent their looking on the proposed concessions to dissenters with a degree of sullen distrust. Hence, by the majority, the relief bill was entertained not so much from choice as from necessity ; and, in the end, they contrived by means of their numbers, and by the assistance of a little artifice, to avoid making the reparation which the bill proposed.

Nor was this the only part of their conduct during this important session that seemed to require explanation. The government would not allow the two houses to meet in the autumn of the preceding year, because the Dutch everywhere gave out that the English parliament, on its approaching meeting, would raise its protest against the alliance with France, and the war with Holland. But when the commons assemble, little more than three months afterwards, not a word is heard as to the French alliance, the war, the shutting up of the exchequer, or the piratical attack on the Smyrna fleet. On the contrary, one of the first acts of that assembly was to vote more than a million of money to meet " the extraordinary occasions " of the government, as if fully approving its general policy. This course of proceeding appeared, at the time, so strange to most persons, that many did not scruple to speak of the leaders of the opposition as having been bribed by the court. Suspicions of this nature fell particularly on Garroway and Lee, who had distinguished themselves by their forwardness in bringing the house to its decision on the question of a supply*.

This forbearance of the country party, so much a matter of surprise to the uninitiated then, has been sometimes described by the enemies of that party since, as proof of their servility and corruption. But to amend everything which at that moment called for correction was impossible, and the opposition appear to have proceeded on a principle of selection, applying their reforming hand to the most alarming of the evils which beset them, and that their success on those points might be certain, postponing the remainder. In this manner more was accomplished, probably, than could have been realised by a less discriminating policy. The hopes of the catholic confederacy, gendered by the secret treaty, were utterly broken : the dispensing power assumed by the crown, which threatened to dissolve all the securities of freedom, was placed under an important check ; and the members of the cabal ministry were not only enfeebled, scattered, and their existence as a ministry in effect destroyed, but much was done to preclude the

* Burnet, ii. 13, 14.

probability of its being succeeded by another of the same character*. The other matters also, though no man seemed at present to be cognisant of them, were not forgotten. Judgment concerning them was only deferred.

CHAPTER V.

Resignations produced by the Test Act—Character and Administration of Danby—The war—Parliament opposed to the Marriage of the Duke of York—The Commons address the King to appoint a Fast—Parliament suddenly prorogued—Shaftesbury deprived of his Office as Chancellor—His Conduct in that capacity—Marriage of the Duke of York—Show of severity against the Catholics—Parliament—The Commons renew their Address for a Fast—Proceedings against Lauderdale, Buckingham, and Arlington—Effect of those Proceedings. The States send overtures of Peace—They are submitted to Parliament—Peace between England and Holland—Aspect of the French war—Charles obtains a further supply of Money from Louis—Projects with regard to the Succession—Strength of the Opposition in the Commons—New Policy of the Minister—Increase of Bribery—The Non-resisting Test—Dispute between the two Houses—Parliament prorogued—A new Secret Treaty between Charles and Louis—Shutting the Coffee-house—Parliament—Bill for the Security of the Church—The War—Duplicity of the King—Marriage between the Prince of Orange and the Princess Mary.—Peace of Nimeguen.

THE religious creed of the duke of York was to this time matter of strong suspicion rather than certain knowledge. But one Resignations produced by the Test Act. early effect of the Test Act, was his resignation of office as lord admiral. Clifford, the oldest, and, in some respects, the most dangerous member of the cabinet, resigned his staff as lord treasurer,—an office which Charles had recently conferred upon him, to the great umbrage of Arlington†. Partly from this cause, but much more on account of the strength of the opposition party in the commons, Arlington had so far fallen away from the policy of the secret treaty as to have spoken and voted in favour of the Test Act. It is supposed, that, looking forward to the resignation of Clifford, as consequent on that measure, he had flattered himself with the hope that the treasurer's staff would then be passed to his hand. But distrust of his fitness for that office, particularly of his firmness, occasioned a second disappointment. The next lord treasurer was sir Thomas Osborne, better known by his subsequent title as earl of Danby.

The administration of this nobleman extends from 1673 to 1678. He was decided in his opposition to the church of Rome, Character and administration of Danby. and disposed to look with much suspicion on the ambitious schemes of France. His principles were those of the old cavalier school, but not without some occasional modifications, which led him to consult the honour and interest of the country at the hazard of

* North's Examen, 40.

† Evelyn, ii, 385—390. James's Memoirs, i. 484 and p. 444, of this volume.

the king's favour. His great merit was in somewhat breaking the force of the evils inseparable from the attachment of the royal brothers to the interests of France, and in procuring the marriage between the prince of Orange and the princess Mary, daughter of the duke of York. His great faults were in carrying the corruption of the commons, by means of bribery from the government, beyond all precedent in our history; and in favouring the odious non-resisting test in 1675. Affairs took but a sorry course during his ascendancy; but the house of commons appears to have been satisfied for some time that his views with regard to the religion and constitution of the country, and on the subject of our foreign policy, were to the full as good as Charles or the duke of York were at all likely to tolerate in a minister*.

While these changes were taking place in England, the prince of Orange was presenting a vigorous and successful resistance to the French arms on the continent. The chief command of the combined fleets, amounting to nearly a hundred sail, was given to prince Rupert; but the Dutch abstained from the hazard of a second general battle, and the summer passed without any of those great services being performed which were naturally expected from so powerful an armament. The condition of the States was now so much improved that they rejected terms which they would once have accepted with gratitude.

When parliament assembled in the autumn, the great object of its attention was a treaty of marriage, known to be in progress between the duke of York and a catholic princess, sister to the duke of Modena—a family in intimate alliance with France. The religion, and the political connexions, of the youthful Maria D'Este made the proposed union highly unacceptable to the nation. Charles was fully aware of this feeling, and would have postponed the meeting of the two houses until it should in some degree have spent itself. But Shaftesbury, who now began to look on the favour of the opposition in the lower house as more important to him than that of the monarch, prevailed upon the king to pursue a different course. He had seen the purposes of the king, even when he had spoken in terms unusually strong of adhering to them immoveably, become as a broken reed under the first shock from the determined majority which ruled in the house of commons; and as it was probable that an alarming scrutiny would soon be instituted by that party with regard to his recent official conduct, the chancellor resolved on attempting to make himself friends in that quarter, while the effort to do so might be made to carry with it some appearance of sincerity †.

* Clifford and the duke of York concurred in recommending Danby to the office of treasurer, but principally, it appears, on account of "the capacity and diligence he had shown in executing the office of treasurer of the navy." James's Memoirs, i. 484.

† North's Examen, 40.

James had prevailed on the king to prorogue the parliament beyond the twentieth of October, the appointed day of its meeting, in order to prevent either house from entering upon the much-agitated question of his marriage. When the day arrived, and the duke, in great impatience, recommended speed, Shaftesbury replied with coolness, "There is no need of haste;" and by his delays gave the commons time to adopt an address to his majesty, praying that "the intended marriage of his royal highness with the princess of Modena might not be consummated; and that he might not be married to any person not of the protestant religion." The address being presented, the king could not avoid returning an answer to it. He stated that the marriage had been already celebrated, in the manner usual among princes, by proxy; and expressed surprise that any complaint should be made on the subject, especially as during the last session the expected marriage of the duke with another catholic princess had passed without observation. The question whether a further address should be presented on receiving this answer was carried by a majority of more than two to one. An attempt was also made to pass a test, which would exclude all catholics from parliament both in the upper and lower house. It was resolved, after a lengthened debate, that no supply in addition to that which had been voted in the last session for the next eighteen months should be granted, "unless it shall appear that the obstinacy of the Dutch shall render it necessary; nor before this kingdom be effectually secured from the dangers of popery, and popish counsels and counsellors, and the other present grievances be redressed." In their second address on the duke's marriage, the commons observed, that the tendency of such marriages, as ascertained by "sad experience," was to afford a plea for harbouring priests and jesuits, and to increase the number of their adherents; and, as marriages celebrated by proxy only had been frequently dissolved, it was urged that the projected union should not be formed. Charles promised to take the subject into consideration, and to return a speedy answer*.

In order that these proceedings might operate as a formidable impediment to the policy of the court, an effort was made to bring the popular feeling to the support of them, by addressing the king, in the manner of the house of commons during the two last reigns, to appoint a fast, for the purpose of imploring the Divine interposition in behalf of the nation, its greatest interest being exposed to so much visible danger. In the train of all these measures, came a resolution which declared the army raised to aid the French in their war against the Dutch, and called in the language of the house a "standing army," to be a grievance.

There was one consideration that might have disposed Charles to allow the house to proceed in the course which its leaders had thus marked out—viz., a large supply of money; but as no such inducement

* *Parl. Hist.* iv. 585—592. *James's Memoirs*, i. 484—486.



was to be held out to him, he no sooner found that point placed beyond doubt, than he resolved on proceeding to a prorogation. On the morning of the fourth of November, the speaker made his appearance about ten o'clock, two hours after the time when the house should have proceeded to business. At the same moment the usher of the black rod came into the lobby; but no sooner had the speaker entered, than every door was closed, and the house was filled with the voices of some crying "To the chair!" and of others exclaiming "The black rod is at the door!" But amidst these cries, and the continued knocking of the usher's attendants, the speaker was hurried to the chair, and in much such a state of feeling as had accompanied the close of the parliament of 1629, it was moved, seconded, and carried by acclamation—"That our alliance with France is a grievance! That the evil counsellors about the king are a grievance! That the duke of Lauderdale is a grievance!" By this time the cries of "Question! question!" became more vociferous, the knocking at the door increased, and the speaker, having leaped out of the chair, the house rose in the greatest confusion*.

If Shaftesbury hoped to secure a degree of favour from the two great parties engaged in this struggle by the middle course which he had pursued, he was not long in learning his disappointment. Charles sent for him a few days afterwards, and demanded the great seal that it might be more worthily bestowed on sir Heneage Finch, the attorney-general, who was sent for at the same time. This interview between Shaftesbury and the king took place on a Sunday morning, and Finch was present, expecting to bear the seal before his majesty to the royal chapel. Many of the courtiers, aware of what was intended, had assembled in the ante-room, meaning to choose their own method of evincing their triumph over the fallen minister. Shaftesbury felt inclined to administer a little mortification to these sycophants, and, availing himself of his intimate acquaintance with the king's disposition, and of his own skill in managing it, he said, "It is, I am aware, sir, your purpose to give the great seal to the attorney-general; but it cannot, I am sure, be your majesty's intention to dismiss me with contempt." Charles immediately answered, that nothing was further from his thoughts than to do anything that might bear even an appearance of that sort. "Then," said the earl, "I desire your majesty will permit me to carry the seal before you to chapel, and send for it afterwards to my own house." The king complied without hesitation; and the earl entertained him with news and amusing stories, until the minute arrived for proceeding to chapel; Finch being all the time on the rack with fear, lest the fascinating power thus exercised over the monarch should be so used as to make him change his mind. When the closet-door was thrown open, the king

* Parl. Hist. iv. 592. 609.



and Shaftesbury bearing the insignia of his office as chancellor, made their appearance, smiling and talking, as though nothing had occurred to disturb their friendship, to the great astonishment and dismay of those assembled in the ante-room, who had no means of knowing what had passed. Some made their way quickly to the duke of York, and, with solemn countenance, assured him that all their measures had come to nothing, and that as to sir Heneage Finch, he was inconsolable. After service, the earl went home with the great seal, and the king gave it to the attorney-general in the evening of that day*.

On the character of Shaftesbury as lord chancellor it may be proper to observe, in this place, that no man, since priests and courtiers ceased to be chancellors, had held that office with less of the peculiar qualifications necessary to a discharge of its duties. He began his career with a disregard of precedent or usage, anxious only to get at the substantial justice of each case. But finding there were technical principles which better served to administer justice, his extraordinary abilities soon made him conform to these, and he ended in becoming the most steady follower of prior decisions. When he passed in procession to Westminster, on the first day of term, he chose to proceed on horseback, and not in a carriage, to the great annoyance of the professional persons who were obliged by courtesy to conform to his eccentricity in that particular. Mr. Justice Twisden, one of the judges, was thrown from his horse, and resumed his place in the train covered with the dirt into which he had fallen. Even upon the bench Shaftesbury betrayed the usual mixture of shrewdness and folly. He made his appearance in court in a dress more becoming a gallant in a ball-room, than a person at the head of a learned profession. He wore an ash-coloured gown, bedecked with silver lace,—and pantaloons, ornamented with a display of ribbons†. But these particulars, collected by the gossiping biographer of lord keeper Guilford, are immaterial to the question of Shaftesbury's merit. It may be doubted if any other unprofessional man could have performed the truly extraordinary task of giving general satisfaction for a considerable time to the suitors of that court. The unsuspected testimony of his implacable enemy is well known. Dryden admits, in the famous satire of which Shaftesbury is the hero, that his conduct on the bench was upright and pure in a corrupt age; and that he possessed some of the greatest qualities of a judge; and the house of lords has recently had reason to admire his great quickness and sagacity in rightly deciding a very difficult question, on which the authorities had at one time been conflicting, but, before he set them right, the judges immediately preceding him had fallen into a great mistake of the law.

* James's Memoirs, i. 488. Echard, Hist, *ubi supra*, cited in the Parl. Hist. iv. 610.

† North's Examen, 46—60.

Disgraced at court, the ex-chancellor threw himself into the ranks of the opposition, where he suddenly condemned, in the severest terms, the very measures to which he had himself been a party. His new friends were so much delighted with his apparent conversion, that they not only consented to receive his present professions as a sufficient atonement for his past misconduct, but placed him at once at their head, and acted, without betraying any sense of degradation, under his direction.*

He joins the opposition—is cordially received by them.

The duke of York became the husband of the Italian princess, notwithstanding the strong feeling evinced on that subject, both in parliament and through the nation; and, about three weeks after the prorogation, the heir-presumptive conducted the new duchess to St. James's palace, as her place of residence.† In the hope of neutralizing, in some measure, the impression likely to be made on the popular mind by this proceeding, Charles caused reports to appear, from day to day, in the court gazette, which described him as in grave consultation with the law officers of the crown upon the best means of enforcing the laws against popish recusants, and of more effectually counteracting all projects in favour of the catholic religion. He issued instructions which forbade any reputed catholic to approach him, or to be seen in any of the royal palaces. No popish recusant was to walk in the Park, and the duchess of York was not allowed the use of a public chapel, though her family had been careful to secure her that privilege by making it the matter of a distinct article in the marriage contract.‡

Marriage of the duke of York. Show of severity against the catholics.

But fear, suspicion, and faction, were so busy and powerful, as to leave the public mind in no condition to be affected by those prudent measures in the manner expected by the government. The general talk, indeed, represented them as insincere; as designed to serve the purpose of the moment only; and as by no means of a character to preclude the necessity for those more permanent means of security which it would be the great object of the opposition to introduce. The two houses were

* North observes, that this conduct on the part of the earl led to his being called, by the wags of the time, lord *Shiftsbury*. This writer would also make him to have been a republican plotter from the Restoration. *Examen*, 40—47. But what the duke of York states as the leading feature in the earl's history was, no doubt, the great aim of his policy. "The earl, in all the revolutions this nation has undergone from the beginning of the rebellion, in the time of king Charles the First, was famous for turning from side to side, and being still foremost in the several turns of government, though never so contrary one to the other." *James's Memoirs*, i. 488. Shaftesbury gave out everywhere, that his removal from office had been procured by the duke of York, whose enmity he had incurred by opposing the projects of the popish faction at court; and it was not difficult to make such a representation appear plausible. *Examen*, 48, 49. Bishop Kennet maintained that the ex-chancellor had acquitted himself "in that great office with singular integrity and honour." *Complete Hist.*

† *James's Memoirs*, i. 487.

‡ *Ralph*, i. 246.

prorogued to the seventh of January. On that day the king addressed them in his usual tone of confidence and good temper, without making the slightest reference to the disorder in the commons which had marked the close of the last session. He spoke of having done much during the recess, and of being prepared to do more, if it should appear desirable, for the security of religion, and for other useful objects. He called for a large supply; but it was less, as he hoped, to continue war, than to hasten an honourable peace. The whole sum granted should be expended on the navy, whether the war should continue or not; and that he might put an end to malicious speeches concerning the articles of his alliance with France, he was willing to show every treaty existing between him and that power to a small committee from both houses, who might report the substance of them. Of course the secret treaty of 1669 was not supposed to have existence. The lord-keeper followed with a much longer speech, in the course of which, he was at some pains to assure the parliament of his majesty's sincere attachment to the constitution and doctrine of the established church.

But these efforts in the way of conciliation produced little effect on an assembly so much swayed by resentment and misgiving. Before proceeding to business of any kind, the commons presented a second address to the king, praying the appointment of a fast day, that his majesty's most loyal and obedient subjects might implore the Divine compassion on a country suffering so greatly "from foreign war, from intestine differences and divisions, and chiefly by the undermining contrivances of popish recusants." Charles appointed the fourth of February for this purpose. At the conclusion of their debate on the question of returning thanks to his majesty for his gracious speech, it was resolved that the house should proceed, in the first place, to an effectual redress of grievances, to adopt means for securing liberty, property, and the protestant religion; and also "to suppress popery, and to remove persons, and counsellors, popishly affected, or otherwise obnoxious or dangerous to the government."

The first delinquent named as embraced within this comprehensive ground of procedure, was the duke of Lauderdale, a person who had contributed, it was said, as much as any man to the misfortunes of the country. The specific charges against him were, that he had declared the king's "edicts to be superior to law," wishing all persons to be "severely punished" who failed in obedience to them; that he had uttered other speeches betraying his enmity to the freedom of the constitution; and that his authority as commander of an army of 22,000 men in Scotland had been employed to awe the people of England into subjection, while a vicious government was employed in prosecuting their evil measures, and in preparing the way for a subversion of the constitution. In the end an address to his

The Commons
renew their
address for a
fast.

Proceedings
against Lau-
derdale.

majesty was adopted, without a dissentient voice, praying that the duke of Lauderdale might be removed from all his employments, and from the royal presence and councils for ever.

The conduct of the duke of Buckingham was the next subject of inquiry. The charges against him related to his share in the measures which had disgraced the late ministry; to the contemptuous language frequently employed by him concerning the king; to the dissoluteness of his life, as disqualifying him to hold any place that might bring him into nearness to the person of the sovereign; and to some matters of personal conduct alleged as betraying a tyrannical disposition. On these grounds it was proposed that he should be banished from the king's service and presence. The duke requested permission to address the house in explanation of his conduct. He appeared at the bar twice: on the first occasion his usual readiness and ability failed him; on the second his principal aim was to place the blame of recent proceedings on the part of the government on others, partly on Clifford, who was dead, principally on Arlington, whose timidity, and want of practice as a speaker, was regarded as likely to unfit him for defending himself with much skill against such accusations. In conclusion, it was agreed to present an address against Buckingham, praying that he might be removed from all public employments and deprived of all access to the king's presence.

In the case of Arlington a more formidable course of proceeding was adopted. Articles of impeachment were preferred against him, which charged him with treason, "and other ^{Arlington.} crimes of high misdemeanor." It was alleged that he had been wanting in fidelity to his trust as a privy councillor; as guardian of the public treasure; and as a sworn defender of the protestant religion. But the earl met these charges with greater self-possession and dexterity than had been expected from him. It soon became manifest that the majority of the articles were not sustained by satisfactory evidence; the charges brought against him by Buckingham he denied; and it was at length found that the man who had been expected to fall under heavier penalties than his colleagues, could not be prosecuted in any form without appointing a committee to make further inquiry. As that committee never made any report, the impeachment dropped at this point. The lords complained of Buckingham and Arlington as derogating from the dignity of the peerage, in answering to charges of the commons at the bar of that house, and passed an ordinance to prevent the recurrence of so dangerous a precedent.*

The commons presented their addresses against Lauderdale and Buckingham, and Charles promised to take them into consi- ^{Effect of these} deration. It was not, however, until some months afterwards ^{proceedings.}

*Parl. Hist. iv. 611—657.

that the fate of the accused ministers was decided. Buckingham was then dismissed, and joined the ranks of the opposition by the side of Shaftesbury. Arlington was required to sell his office as secretary of state, and placed in the less responsible situation of chamberlain of the household. Concerning Lauderdale, the king maintained that his employments were in Scotland, and that the judgment of his conduct pertained to the authorities of that kingdom.

Having shown their zeal in this manner against "evil counsellors," the commons entered into debate on several bills, relating to the manner of conducting elections, the necessity of restraining buildings about London, and to the illegal imprisonment of the subject; but so opposed was the feeling of the house to the continuance of the war, that no member of the government ventured to mention the subject of a supply.

At this moment the States renewed their overtures for peace. The lord-keeper had stated to the two houses on the opening of the session, that all communications made by the States up to that time, had been so vague and unsatisfactory as to be manifestly designed to amuse rather than to lead the way to any settlement. To preclude all ground for such representations, the States now sent their terms of peace in a series of formal and distinct articles. On the part of England the war had languished for some time, involving a large expenditure without any adequate return; on the part of France, opposed as she was by Spain and Austria in conjunction with the Hollanders, one reverse had followed upon another, until the experienced general Turenne found it necessary to withdraw his forces from the whole of the territory invaded by the French arms with so much success only a short time before. In the articles now submitted to the acceptance of the English monarch, the prince of Orange, after having manifested the tone of courage and firmness with which he could meet danger and difficulty, now gave further proof of possessing the wisdom necessary to unite moderation with victory. Conditions which the States had rejected during a recent congress at Cologne were now complied with. The honour claimed for the English flag was conceded in the utmost extent, so that within the seas to which that claim extended, a whole fleet would be required to strike in passing the smallest vessel bearing the colours of his Britannic majesty. The articles concerning the East India trade conceded to the king of England his demands concerning Surinam, and provided that a rule of strict reciprocity should be adopted and acted upon by the two powers. Restitution was to be made of all places taken during the war, which obliged the Dutch to surrender New York, though the English had no acquisition to surrender in return. In the conference at Cologne, 800,000 crowns had been demanded toward indemnifying the king of England from his losses during the war, and to that stipulation the States now acceded.

Charles deemed it prudent to submit these articles to the consideration of parliament; the two houses concurred at once in their approval of them; and in little more than a fortnight the king met his parliament again for the purpose of stating that he had concluded an "honourable, and, he hoped, a lasting peace." These tidings were received with the greatest joy by the parliament and people. Louis complained of being thus deserted by his ally; Charles assured him of his continued friendship; but appealed to the necessity of his affairs as a sufficient vindication of his conduct. Charles announced the signing of the articles of peace on the eleventh of February, and within a fortnight parliament was prorogued. This short session, memorable for the prosecutions with which it commenced, and the peace with which it concluded, was further remarkable for the progress made in a bill "to prevent the illegal imprisonment of the subject," which prepared the way for the famous *Habeas Corpus* act. That bill passed the commons, but made no progress in the lords, on account of the prorogation, which was said to be expedient as the season of the year required the nobility and gentry to be upon their estates.*

They are submitted to parliament.—

Peace between England and Holland,

Jan. 24.—

Feb. 11.

Feb. 24.

Parliament, prorogued in February, because the spring was approaching, was not re-assembled before the month of April in the following year. The great object of the king in thus extending the prorogation, was to avoid the difficulties that would beset him if the commons should call upon him to join the Dutch and their confederates in the war against France. During this summer the Germans were defeated in several engagements, and disaster had served to spread the greatest disunion among them. The prince of Orange, indeed, still kept his enemies at bay, and by the capture of Grave, deprived the French of the last vestige which they had retained of their conquests in the Seven United Provinces. But the people of England watched those changing aspects of the struggle with deep interest; and not the less from knowing that the feeling of the country on this subject was by no means that of the court. Charles found, as the summer passed, that his poverty increased, and unwilling as he was to hazard a meeting of parliament in such a posture of affairs, he began to look on that event as unavoidable.

Condition of parties in the French war.

But in this perplexity the duke of York came to his aid. The duke had reasons of his own, beside those which influenced the king, for wishing to postpone a meeting of the two houses. He knew that the affairs of Louis were not in a state to allow of his trifling with the neutrality of England. He accordingly applied to that monarch, assuring him that without a con-

Charles obtains pecuniary aid from Louis.

siderable supply from his treasury, to enable his brother, the king of England, to conduct the affairs of his government without looking to the help of parliament, there was no room to expect that England could be saved from becoming a party with the Dutch and their allies in the present war. Louis could not question the accuracy of this representation. His sole policy accordingly was to plead great poverty, and to secure the proposed benefit at the smallest possible cost. The sum demanded was 400,000*l.*; but Charles, at length, consented to prorogue the parliament from November 1674, to April 1675, in consideration of receiving little more than a fourth of that amount.*

These truly dangerous negotiations were of such long continuance, and allowed to come within the knowledge of so many persons, as to occasion wide suspicion and much complaint. These suspicions gave energy to the proceedings which ended in the passing of the Test Act; and the popular apprehension was increased rather than allayed, when, as the effect of that measure, the duke of York became a declared catholic. It is in vain to attribute this course of proceeding on the part of the commons to the policy of a few individuals who had exposed themselves to the resentment of James by the part which they had taken in the prosecution of Clarendon.† That circumstance may not have been without its influence on the conduct of Buckingham, and of several beside; but it is plain that the dread of popery became a prevalent feeling with a multitude of persons in every class of society soon after the Restoration; and so many were the occurrences which served to give an apparent reasonableness to such fears, that nothing was more natural than the increase of them from year to year. Buckingham, whose policy in the early part of his ministry consisted in availing himself of every advantage that might be derived from the bent of the popular feeling, not only spoke of those fears as reasonable, but, being aware of their prevalence and force, he occupied himself with more than one project in the hope of excluding the duke of York from the succession.

With this view, he would have prevailed on Charles to become party to a scheme which, it was hinted, might be successfully devised, for the purpose of declaring the birth of the duke of Monmouth, a son of the king, by one of his mistresses, to have been legitimate. The king discountenanced this artifice in the most decided terms. The duke then began to insinuate, and at length maintained, without scruple, that the

* Dalrymple, ii. 98, 99. So late, however, as September, Rouvigny, the French ambassador, writes, that "Charles agreed to prorogue the parliament to April, in consideration of receiving 500,000 crowns, or if he convened it in November, to dissolve it in case it should refuse to give him money, in consideration of which he was to have a pension of 100,000*l.* from France." *Ibid.*

† Lingard, xii. 296.

barrenness of the queen furnished sufficient ground for a divorce. Charles not only listened to the latter proposal, but appeared to enter into it with unusual ardour. About thi time Lord Roos, afterwards Earl of Rutland, brought proofs of adultery against his wife; and obtained a sentence of divorce in the spiritual courts. That sentence, however, accomplished nothing more than "a separation from bed and board;" and his lordship now moved for a bill in parliament to enable him to marry again. The measure found its principal support in persons who viewed it as preliminary to a similar proceeding in favour of the king. Charles gave all his influence to it, the duke of York was no less zealous in opposing it. It was on this occasion that the king made his appearance in the house, day after day, as an auditor of the debates. The bill was carried by a majority of two voices only; and thirteen bishops added their names to those of fifteen secular peers who protested against the decision of the house. But this precedent, to which so much importance seemed to be attached, was no sooner obtained, than Charles appeared to lose all his interest in the question, and nothing was done towards availing himself of the option thus presented to him.

In the train of these circumstances followed the Test Act; and in the next session after the passing of that act, the propriety of an enlarged Test was discussed, embracing a greater number of points to be disavowed, and proposing that all persons refusing to give the further security required by this amended oath should be excluded from parliament, and banished to the distance of five miles from the court. But various difficulties were thrown in the way of this measure. In two instances the parliament was prorogued while the debates upon it were pending. In the course of those debates it was urged, particularly by Shaftesbury, Carlisle, and Halifax, that any prince of the blood, marrying a catholic, should thereby forfeit his right to the succession. But it was soon ascertained that this method of attempting to allay the popular fear concerning a "popish successor" was much too decisive to obtain the sanction of the upper house.

James watched these proceedings with alarm. He knew that in many quarters the duke of Monmouth was regarded as the most eligible successor to the crown; while in others, the people were taught to look for their future king in the person of William Prince of Orange. The duke of Monmouth, if apparently excluded from the throne by his illegitimate birth, was known to be much beloved by the king, and manifested a disposition to look toward the prize which his flatterers often found the means of presenting to the eye of his ambition. But with a much wiser class of politicians the claims of Monmouth were of little weight, compared with those of the prince of Orange. William was the nearest heir to the crown, next to the children of the duke of York; he was a

zealous protestant, a prince of eminent abilities, and the great stay of the liberties of Europe.*

The battle of Seneff, toward the close of the summer in 1674, added much to the high military reputation of the prince of Orange, and rendered him more powerful than ever in the councils of the United Provinces. Charles, aware that the strength of the prince was intimately connected with that of the country party in England, looked with a degree of uneasiness on the aspect of affairs which thus opened before him; and Arlington, in the hope of regaining the confidence of the king, urged that himself and lord Ossory should be deputed, under pretence of visiting their relations by marriage in Holland, to confer with William on a proposal of marriage between him and the princess Mary, the eldest daughter of the duke of York. It was urged that the effect of such a union must be to detach the prince from the intrigues of the country party, by making it obvious that his interests and those of the king of England were the same. Charles professed his warm approval of this project; and James, after urging every available objection against it, found resistance useless. It was arranged that the proposal should be so made, as to have the appearance of originating with the prince, and to admit of being disowned should it be made without success. But the embassy was not conducted in a manner to secure secrecy; and proving a failure, was the last effort made by Arlington to recover his former power as a minister of the crown. Few men were more unacceptable to the prince, and his assumption in this conference, on the ground of the assumed inexperience of the person with whom he had to negotiate, strengthened the aversion with which he was regarded. William intimated that the unsettled posture of his affairs made it inexpedient that he should, at present, entertain any thought of marriage. The fact that the duchess of York was expected soon to become a mother was, probably, a circumstance of some weight in this decision; and much stronger ground for hesitation was furnished in the communications made to him by some of the popular party in England, who described the overture as a bait devised solely for the purpose of destroying his popularity in England and elsewhere†.

The two houses, prorogued on the twenty-fourth of May, 1674, were not assembled again until the thirteenth of April in the following year. During this long recess the leaders of the Parliament.— Strength of the opposition in the Commons. frequent meetings, for the purpose of adjusting their plans in prospect of the next session. In the house of lords, the older leaders

* James i. 437—9. 490—498. Lords' Journals, xii. 300—329. Burnet, i. 479—482. Parl. Hist. iv. 517—592.

† Burnet, ii. 60—64. Temple's Memoirs, 394—397

of that party,—Wharton, Hollis, and Salisbury, were aided by their new allies, the duke of Buckingham, and lord Shaftesbury. In the upper house, however, the court was generally sure of a majority. In the commons parties were more nearly balanced; and, with regard to weight of character, knowledge of business, and effective speaking, the scale was manifestly on the side of the opposition. In sir William Coventry the government always met a formidable opponent: his intimate acquaintance with affairs, his marked self-possession, and the control which he exercised over all his private resentments when engaged in the discharge of public duty, enabled him to expose the errors of the administration with much authority and effect. His brother, who usually answered him, did so with much smartness, but never with the same degree of intelligence or force. What might be wanting in the statesman-like speeches of sir William Coventry was often supplied by the blunt good sense and ruder eloquence of colonel Birch, a person whom sir William was accustomed to describe as the best speaker to carry a popular assembly along with him he had ever known. Birch, who had once followed the occupation of a carrier, rose during the civil war to the rank of colonel, and was indebted, at the Restoration, to his acquaintance with the manner of collecting the new branch of revenue under the name of the excise, for the favour of the government and a seat in parliament. Sir Edward Seymour, who valued himself on his high birth and graceful person, but who is described as a person influenced by little regard to principle, or to moral restraint of any kind, once reproached Birch with the meanness of his former calling, when the latter replied,—“It is very true that I was a carrier once, and it is fortunate for that gentleman that he never was a carrier, or he would have been a carrier still.” Birch is described as the roughest and boldest speaker in the house. But there was a natural eloquence in his speeches which made them generally acceptable. Waller, the poet, though in his eightieth year, continued to say the most brilliant things that were listened to in parliament; but the vanity of saying such things appeared to be the only purpose for which his place there was retained. He did more than any other man, perhaps, to improve the language of his country, but his want of fixed principle, and of attention to affairs, rendered him almost useless in public life. Lee, Sacheverel, Garroway, and Vaughan, were all conspicuous persons in the ranks of the opposition. It is supposed that Lee and Garroway were not proof against the bribes of the court: we have no reason to suspect the integrity of Sacheverel; and Vaughan, whose influence would have been greater had his pride been placed under better government, was known to be a person of honest purposes, and by his readiness and power as a speaker did eminent service: he was the son of chief-justice Vaughan. With these names those of Powle and Littleton should be mentioned. The former possessed considerable ability as a speaker, but rendered his best

services by his intimate knowledge of the proper forms of proceeding in the business of parliament. Littleton was a man of much reading and reflection on all subjects connected with the policy of modern nations : his reasoning faculty on such questions was much stronger than that of any other man of his party ; while the clearness and energy with which he prosecuted his argument never failed to render it interesting. It was his manner to reserve himself until the debate was drawing to a close, when he spoke "with a strain of conviction and authority that was not easily resisted."

The two persons of highest quality in the opposition were the lords Cavendish and Russell. Cavendish, afterwards earl and duke of Devonshire, concealed an ambitious and vindictive temper under an exterior deportment generally characterized by softness and urbanity : he was a person of some knowledge and capacity, and of remarkable courage, but of little principle ; a libertine in his conduct, and separated from the court more by private pique than by any more honourable motive. "Lord Russell," says Burnet, "was a man of great candour, and of a general reputation ; universally beloved and trusted ; of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man have so entire a credit in the nation. He quickly separated himself from some disorders into which the court had drawn him, and ever after that his life was unblemished in all respects. He had from his first education an inclination to favour the non-conformists ; and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse, but he had a true judgment when he considered things at his own leisure : his understanding was not defective, but his virtues were so eminent that they would have more than balanced real defects, if any had been found in that respect."*

Charles, in his speech at the opening of the session, renewed his pledge never to abandon the Protestant religion as established in the church of England ; and having complained of parties said to be aiming at the accomplishment of pernicious designs, by endeavouring to procure a dissolution of the present parliament, the king recommended that a supply, sufficient to enable him to place the navy in a much better condition, should be granted without delay ; and concluded by promising that the short session of the spring should be followed by one of longer duration in the winter. Finch, the lord-keeper, was careful to assure the two houses that the laws against the non-conformists were revived in their strength, while those against the catholics were "edged, and the execution of them quickened."†

But these fair speeches did not suffice to disperse the clouds which had been gathering during the long interval since the last meeting of

* Burnet, ii. 81—85.

† Parl. Hist. iv. 672—678.

parliament. It soon became known at court that the commons, instead of taking up the question of a supply, were about to occupy themselves in preparing articles of impeachment against Danby. Charles sent for sir Thomas Meres, one of the leaders of the opposition, and informing him of what he had heard, said that such a proceeding would be very prejudicial to his affairs. Sir Thomas answered, that he knew of no means by which the house might be diverted from the course to which it was disposed, unless it might be prevailed on to impeach some one else : by such an expedient time might be gained, and the ardour of the more impassioned might be made to spend itself in a less dangerous direction. Charles seized on this suggestion. But who should be the victim ? Meres named Lauderdale, as a person particularly odious to his party ; the king immediately said, " That will do," and Lauderdale was impeached accordingly.*

The articles of impeachment charged that minister with having said, that he wished the presbyterians of Scotland would rebel, as he could then " send for some Irish papists to suppress them ;" with having declared it as his belief that Scotland would come to the aid of the king against the English parliament in support of the declaration for liberty of worship issued in 1672 ; with having said, when speaking of that declaration in his majesty's council, that " the edicts of the king were equal to the laws, and ought to be observed in the first place ;" and with having procured to himself a military power in Scotland, dangerous to the liberties both of that country and of England. On these grounds the commons prayed that the obnoxious minister might be removed from the presence and the counsels of his majesty for ever. To this address Charles returned an evasive answer ; which he was the more disposed to do, as he found that the impeachment of Lauderdale had not served to preclude similar proceedings against Danby.† The impeachment of the treasurer was brought in by lord Russell. It consisted of seven articles, which charged the accused with a wasteful expenditure of the public money ; with having imposed on the king ; and with having manifested a much greater solicitude to enrich his family than to guard the public interests. The proceedings against Danby commenced on the twenty-sixth of April. By the third of May the house had heard all the evidence to be adduced, and concluded that no one of the seven articles contained a fit ground of impeachment. It is probable that the evidence proved less decisive than was expected ; but there is room to suspect that the matter was brought to this issue mainly through the influence of the king, and the bribes of the minister.‡

Impeachment
of Lauderdale.

April 23.

Impeachment
of Danby.

* Burnet, ii. 65—67. Parl. Hist. iv. 683—687.

† Parl. Hist. iv. 684, 685, 699, Ralph, i. 275.

‡ Parl. Hist. iv. 688—695. Burnet, ii. 71, 72.

Since the peace with Holland, the English troops in the army of the king of France had been suffered to continue in his service. The popular party in the commons, urged on by their connexions in the United Provinces, presented an address to the king, praying that the troops thus employed might be recalled. Charles replied, that his late treaty with the States did not bind him to such a proceeding; that the troops in the service of France were now inconsiderable in number; and that he would take care to prevent their being recruited, but that to insist on their return would be injurious to his interests. On the reception of this answer a protracted and eager debate ensued, and on the question being put, "Whether a further address should be made to the king for the recall of his subjects in the service of the French king?" the tellers differed in their report, which led to the greatest confusion, some crying "report, report," others, "tell again, tell again;" the members leaving their seats, and many of them indulging in menacing language and behaviour toward each other. This disorder continued nearly half-an-hour. During the debate the house had been in committee; and the speaker, as the best means of preventing the mischief apprehended, rose from his seat near the bar, and having made his way with the usual ceremony toward the chair, resumed his place, and caused the mace to be laid on the table, as was the custom during the regular sittings of the house. Order was thus restored, and the members separated to renew the debate on the following day, when it was resolved to present a second address to his majesty, praying for the recall of the troops in the service of France; but as the resolution was carried by the casting vote of the speaker only, it does not appear to have been acted upon.*

The great business of this session related to the non-resisting test, introduced by the government in the house of lords. We have seen, that when the king issued his declaration of indulgence in 1672, the cavalier party and the ruling clergy began to suspect that their ascendancy was exposed to more danger from the catholics than from the non-conformists, and that for the first time since the Restoration they addressed themselves to the latter body in the language of conciliation. The time had come, it was said, in which it became all sound protestants in some degree to forget their differences, and to act together against the common enemy. The new test act resulted mainly from this new coalition; but in 1675, the views and temper of the bishops, and of those in whom they most confided, resumed much of their former complexion. The promise of liberty and indulgence, made with so much apparent cordiality three years before, gave place to a cry for strict and rigid uniformity; and the cavaliers and leading churchmen were resolved on attempting more effectually to exclude non-

* Parl. Hist. iv. 678, 699—709. Ralph, i. 275. Marvell, ii. 232.

conformists and catholics, particularly the former, from all places of authority whatever, either in the church or the state. Danby, and the other ministers of the crown, entered fully into these views. In the lords, they might expect opposition, but were sure that the number of votes would be in their favour; and they flattered themselves that it would not be impossible to command a majority on the side of such a policy even in the commons. An attempt had been made some eight years before, in a session of parliament at Oxford, to impose the non-resisting test on the whole nation, and the measure was lost in the lower house by three votes only, and those votes were from three new members, who made their first appearance in the house on that day.

The bill now introduced, as the great instrument by which the new ministerial policy was to be realized, embraced the several tests which had been adopted at different times, its peculiarity being, that the oaths and declarations concerning passive obedience, and the preserving of the constitution in Church and State without alteration, were to be extended, not only to the clergy, to schoolmasters, to corporations, and to the great officers of state, but to both houses of parliament, every member refusing to adopt them being made liable to a fine of five hundred pounds as often as he took his seat. The lords and commons of England had concurred in imposing a vassalage of this kind on all the public functionaries of the land; and they were now called upon to submit themselves to the very species of tyranny which they had imposed upon others.

The new test bill was introduced on the third day of the session, and read the first time without much opposition. On its second reading, Finch, the lord-keeper, and some other lords, delivered elaborate speeches in its favour, describing it as "a moderate security of the Church and Crown," and asserting that it was a measure which must obtain the ready and cordial support of every man not under the influence of the most dangerous principles. Shaftesbury, and several of the opposition peers, on the contrary, described the bill as tending manifestly to destroy their most valued rights and liberties; and spoke of being very unwilling to enter into so free a discussion of the great principles involved in it, as would, of necessity, be elicited, should it be still pressed on the attention of the house. The supporters of the measure, he observed, if disposed to persist in their project, would do well to prepare themselves for listening to speeches much more unacceptable to them than had been delivered for some time past within the walls of parliament. But this admonitory language produced little effect.

The prelates and the ministers urged that the bill should be referred to a committee of the whole house. An eager and animated debate ensued, which lasted five days. The decision, as was expected, proved to be in favour of the government; but two protests were entered against it, one against the sub-

Protests of the
opposition
Peers.

stance of the bill, as a meditated infringement of the rights of the peerage, which received twenty-four signatures; and another against the vote which allowed the bill to pass into committee. The twelve peers who signed the second protest say, "This bill doth not only subvert the privilege and birth-right of the peers, by imposing an oath upon them, with the penalty of losing their places in parliament, but also, as we humbly conceive, strikes at the very root of the government; it being necessary to all governments to have freedom of votes and debates in those who have the power to alter and make the laws; and besides the express words of this bill, obliging every man to abjure all endeavours to alter the government of the church, without regard to anything that rules of prudence in the government, or christian compassion to protestant dissenters, or the necessity of affairs at any time, shall or may require: on these considerations we consider it of dangerous consequences to have any bill of this nature so much as committed."

The protest, particularly that part of it which spoke of the christian compassion due to the dissenters, gave great offence to the bishops and the court-lords, who, in violation of clear parliamentary usage, would have denied the protestors the right of stating along with their protest the reasons on which it was founded. When the debate on this point was at its highest, and there was some probability that an attempt would be made to commit the protestors to the Tower, Hollis, who had been their chief defender, prayed that his name might be added to the list, inasmuch as its not being there was owing to his absence from the house at the time through indisposition. In the end, the majority deemed it advisable to limit their proceedings to a resolution which declared the reasons of the obnoxious protest to be "a reflection on the honour of the house, and of dangerous consequence." That resolution called forth a third protest on the following day, in which twenty-one peers claimed for themselves, and the whole peerage, the liberty of protesting in the manner which the twelve peers had done, as "an essential privilege" of their house.

The bill then passed into committee. But two preliminaries were assented to before the discussion upon it commenced—first, that no oath should be imposed by it; and secondly, that none of its provisions should be of a nature to infringe on the ancient parliamentary liberty of debate. One of the earliest decisions of the committee on the clauses of the bill was in violation of the first of these provisions. The opposition complained loudly of the insincerity of the proceedings, and the lord-keeper was so pressed by his opponents, as to be driven to the extremity of declaring, that the house was not bound by its own orders, but might interpret them as it pleased. This piece of duplicity produced a fourth protest, to which the names of sixteen peers were attached. With the view of preventing a recurrence of these inconvenient remonstrances, it was resolved, at this stage of the proceedings, to make no

further report from the committee on the bill until the whole of its clauses should have been discussed and determined.

The next step of the opposition was to ascertain distinctly how much of the proposed test should be regarded as matter of declaration only, and how much should be sworn to in the usual form of an oath. In the first clause of the part separated as being so much declaration only, it was said to be "unlawful, under any pretence whatsoever, to take up arms against the king;" and that no doubt might remain concerning the meaning of this clause, the person subscribing to it was required to add,—“and I do abhor that traitorous position of taking arms by the king’s authority against his person.” Those who reasoned in favour of these clauses, did so on the ground that all the troubles in England from 1640 to 1660 had resulted from inattention to such maxims, and that the return of such confusion was not to be prevented without giving to those great principles of subordination the force of law. Those who were opposed to them dwelt on a multitude of possible cases which might arise to make an adherence to such theories inconvenient, and even ruinous to the great interests of the community. In the last clause of the declaration, the prohibition of taking arms against the king’s authority was extended to the authority of “those commissioned by him;” and tended, it was said, not only to bring in a standing army, but to vest it with a species of divine right, which no law or usage might be found powerful enough to withstand. To meet this objection, that part of the prohibition was restricted to the persons commissioned by the king “according to law, in the time of rebellion and war, and acting in pursuance of such commission.” But to these additions it was objected, that they supposed the authority of the king, and the authority of those commissioned by him, to be either the same thing, or two things; if they were the same thing, the prohibition became nonsense, inasmuch as to oppose the royal authority by the royal authority, was a piece of conduct altogether imaginary and impossible; and if they were two things, then the restraint imposed was as much at variance with sound views of social obligation under the latter phraseology as under the former. The declaration, however, was carried in this form; and the committee next proceeded to the oath.

The first clause of the oath was opposed to any kind of attempt “to alter the constitution of the church.” All reference to the *doctrine* of the church was omitted, in the hope of detaching the catholic peers from the ranks of the opposition. But the country lords exposed this artifice with so much effect, that the oath in its ultimate form was made to include a pledge to abstain from all “endeavours to alter the Protestant Religion, or the Government of either Church or State.” But when this addition was made, it was natural to ask, in what does the protestant religion consist, which is thus in no way to be changed? The prelates replied that it was sufficiently

Debate on the Declaration.

Debate on the Oath.

set forth in the articles, liturgy, catechisms, homilies, and canons of the church. But it was inquired,—are all there, whole and entire, the protestant religion, or is it only meant that the protestant religion is contained in them, amidst many things not essential to it? If the compositions named are, in all respects, essential parts of the protestant religion, who is to reconcile the multitude of contradictions to be found in them, and who can, in common honesty, pledge himself never to oppose matters, many of which are not only obsolete, but manifestly false and absurd? If, on the other hand, the publications mentioned are to be understood as merely containing the protestant religion, who will separate the parts which belong essentially to that religion from those who do not, so as to enable the persons who may adopt this oath to know what it is to which they bind themselves? The prelates were much perplexed by this course of reasoning. Lord Wharton proposed that the oath should be, not to alter the protestant religion, “as it is, or shall be established by act of parliament.” Lord Grey, of Rolleston, finding that this amendment met with no favour from the advocates of the bill, would have limited the oath to a pledge never to use either “force or fraud,” with a view to such changes. But in the end, this amendment shared the fate of the former; and this part of the oath, as approved by the committee, read as follows:—“I do swear that I will not endeavour to alter the protestant religion now by law established in the church of England.”

Next came the part of the oath which prohibited any endeavour to change the “government,” either in church or state. The opposition lords affirmed that the state-church was properly dependent in all things on the civil power, and liable to any change which the king and parliament might deem expedient. The bishops, on the contrary, maintained, that their priesthood, and exclusive power of ordination, had been derived immediately from Christ, and that license to exercise their authority in particular countries was the only point in which they were dependent on the suffrage of the civil magistrate. It was argued, on the other side, that this *jure divino* pretension was inconsistent with the ecclesiastical supremacy which the constitution had vested in the crown; and if once conceded, might justify the prelates in excommunicating their prince. The church, in this view, was not the servant, but the mistress of the state. It was remarked that all systems of government, whether in church or state, consist of so much recognised law,—and what could be more absurd than to bind a legislature not to attempt any change in the existing laws, seeing that the object of its existence is to make addition to those laws, and to amend or rescind them as the change of circumstances may require? During this discussion a proviso was introduced into the oath, to preserve to the house its former liberty of debate; but it was openly avowed that the design of this part of the test was to put an end to all caballing and consultation

against the government, even among the members of the legislature, beyond the walls of parliament. In this shape the oath passed, and even the retrospective bearing of its penalties was opposed in vain.

This memorable debate lasted seventeen days, often extending to a late hour in the evening, sometimes until midnight. Charles made his appearance by the fireside in the house, day after day, as a listener. But his presence imposed little restraint on the opponents of the bill. The struggle exhibited a much bolder discussion of the great principles of government than had taken place in our constitutional history since the better days of the long parliament.

The bill, though it passed the committee, was never reported to the house. An angry dispute which arose between the two houses, on a question of privilege, led to a prorogation, which put an end to all proceedings upon it. At that time the lords had three appeals before them from the court of chancery, in which the defendants were members of the house of commons. One of these persons, sir John Fagg, was summoned to appear before the lords on the matter of the appeal against him. The commons came to a resolution that the notice served for this purpose on a member of their house was a breach of privilege. The lords replied that the appeal in the case of sir John Fagg had come before them according to law, and that they could not administer justice without power to do as they had done. The commons had no satisfactory answer to return; they even descended to say, that the worst that could happen in such a case was some delay of justice to an individual, which was much less to be deprecated than a permanent injury to the privileges of the commons of England. But so excited did they become, that they placed two of the appellants, and four barristers who had been engaged in the cause before the upper house, in the custody of the sergeant-at-arms. The lords commanded the lieutenant of the Tower to liberate the persons so committed; the commons gave the same functionary strict orders to the contrary; and Charles, despairing of any settlement of the dispute, prorogued the parliament, and thus annulled all that had been done on the Test Bill. There is reason to believe that the great object of the opposition leaders, in both houses, throughout this altercation, was to bring about some such result.*

Parliament was prorogued on the fifth of June; it met again on the thirteenth of October; but only to demonstrate still further the near balance of the two great parties, and to increase the perplexities of the government. Mortgages to the extent of 800,000*l.* had been obtained on the revenue, under the name of "anticipations." The commons would take no account of monies so raised; and in their deliberations concerning a supply, were careful

* Lords' Journals, xii. 665—682. Parl. Hist. iv. 714—721—739. Ap. v. Marvell i. 510, *et seq.* Burnet, ii. 73—78. North, Examen, 61—64.

to make provision that the sum granted should be applied to certain specified objects; while in the upper house the opposition lords called loudly for a dissolution of parliament, insisting that the commons assembled in 1661 afforded no just representation of the mind of England in 1675. In this stage of the public business, the dispute between the two houses was revived with as much violence as before; and when the duke of York declared himself in favour of a dissolution, Danby assured the king that nothing but an immediate prorogation could save
 Nov. 22. the government from defeat on that question.*

The relation in which Charles stood at this moment to the belligerent powers was that of mediator. Austria, Spain, and the
 New secret treaty between Charles and Louis. States, would have made large sacrifices to secure his alliance; but he was more open to the intrigues of France, as their aim was limited to a purchase of his neutrality, which comported better with his love of ease, and with his desire to be as little dependent as possible on the supplies of a parliament. His failure with regard to a supply of any kind in the session which closed on the twenty-second of November 1675, and the temper which then manifested itself in
 January 9. both houses, seemed to render his affairs desperate. In the January following we find him in active negotiation with Louis, which ended in his giving his secret pledge not to take any part with the allies, on condition of his receiving the sum of
 February 27. 100,000*l.*, as an annual pension from the French monarch.†

* Parl. Hist. iv. 739—803. Burnet, ii. 78—80. "It was offered on the one side to show that the king had not enough in his hands to maintain the government and to secure the nation: though our neutrality at that time made trade flow in upon us, so that the customs rose higher than ever. On the other hand, it was said, that if anticipations were once admitted as a reason for a supply, the court would never want that reason." *Ibid.* On this important question the court were defeated by a majority of two or three voices only.

† Dalrymple, ii. 99—108. "What the king of England charged me," says Rouvigny the French ambassador, "to make known to your majesty is, that he desires passionately to unite himself strictly with you; that without waiting till it can be done by a solemn treaty, it may be begun at present, in secret, by reciprocal promises in writing, which should bind him, as well as your majesty, not to make any treaty with any state whatever, without the consent of the other; or to give any assistance to the enemies or rebellious subjects of either." Danby reminded Lauderdale that if they alone became parties to this treaty, it would be at the hazard of losing their heads, and made excuses to evade it. When Charles was informed of those scruples, he sent for them and for the duke of York into his closet—"where it being proposed to admit into this council the high chancellor and all the other ministers, he told them, that he desired nothing in the world more passionately than a good alliance with your majesty; that being mediator, the conjunction of the time did not allow him to let people have the least knowledge of his having concluded and signed a treaty with France; that the thing could not fail of being made public if brought before the council, or if he was obliged to make use of the great seal; that to make it an entire secret, he did not desire his ministers should have any knowledge of it; that for this reason he would name no commissioners, nor give any powers; that he had resolved to sign the treaty with his own hand, and seal it with his seal in my presence. *From all these circumstances, your majesty will judge better of the state of England, than from all that I have presented in my letters; and it will be difficult to conceive, that a king should be so abandoned by his subjects, that even amongst his ministers he cannot find one in whom he can place*

More than twelve months now passed without any meeting of parliament. The war on the Continent, and the neutrality of England, proved highly favourable to British commerce; and with the revenue from that source, and the aid of his pension, Charles contrived to give his time, for the most part, through this interval, to his private pleasures. But while the friends of the government pointed to the present security and prosperity of the country, as evidence of the wisdom and patriotism of its rulers, the more active politicians on the side of the opposition treated the calm as delusive, and published, through every channel, that the preservation of the protestant religion and of English liberty would be impossible, if the arms of France should be successful in the great struggle going on upon the Continent. The press was already under a rigorous censorship. But opinions which men could not have printed without exposing themselves to much danger, were divulged with little restraint in places of public resort, particularly in the coffee-houses, where nearly all persons of education, and a large portion of the middle class, were accustomed in that age to spend much of their time. Irritated and alarmed by the spreading disaffection, the government resolved on shutting up the coffee-houses, by depriving them of their licences. But nothing that could be urged in defence of this step sufficed to give it even the appearance of a justification. The owners of the coffee-houses filled every place with complaints of the injustice which had been done to them; while the opponents of the court spoke of the proceeding as furnishing strong confirmation of the most unfavourable opinions that had ever been avowed concerning the arbitrary temper, and evil designs of the men entrusted with the affairs of the nation. To abate the storm thus raised, the licences were restored; but with the condition that they should be forfeited in the case of any proprietor who should tolerate the use of seditious language on the part of the company. *

Parliament assembled on the fifteenth of February, 1677, after a prorogation of fifteen months. The suspicions and discontent which had been excited by the discussions on the Test Bill, increased greatly during this lengthened recess; and the attention of both houses, in place of being occupied with the usual business, was first called to the question—whether the fact that more than twelve months had passed since the close of the last session, had not in itself dissolved the parliament, it being provided in two unrepealed statutes of Edward the Third that there shall be a meeting of parliament once within a year. That the parliament had thus ceased to be legal, was maintained by the duke of Buckingham, and

Long recess—
shutting up of
the coffee-
houses.

Parliament—
questions
raised as to its
legality.

an entire confidence. This example will show your majesty that all England is against your interests, and that there is only the king of England and the duke of York who embrace them with affection." Ibid.

* Ralph, i. 297, 298. North, Examen.

by the lords Shaftesbury, Salisbury, and Wharton. On the other side, it was insisted that the words "if need be" were so employed in the statutes appealed to, as to have left the assembling of a parliament, within the time mentioned, to the discretion of the king; and that, in the absence of those terms, it was a rule of law that ancient statutes were to be construed by general usage. The conduct of Buckingham, and of the three lords who supported him, gave so much offence to the house, that they were all committed to the Tower.* Nor did the house stop at this point. Not long before a book had been published to show the illegality of a prorogation if extended beyond twelve months; and Dr Carey, the author, was called to the bar, and fined 1000*l*. Proceedings were also instituted against a person named Aaron Smith, "for speaking certain dangerous and seditious words against the being of this present parliament."

In the commons much was said concerning the "discoursings" through the nation, and from the press, on this question; but the majority determined that it would be inexpedient, in many respects, that the house should come to any formal decision upon it. Complaints were made, however, with regard to the proceedings of the upper house against Carey. It was observed that the alleged offence affected the privileges of the commons, at least as much as those of the lords; and that the original cognizance of it pertained to the courts of law, and not to either house of parliament. This observation indicates an approach toward the better practice of later times in such cases. We have seen how frequently the long parliament was engaged in the examination of such offenders, to the great hindrance of the public business, and with the bad grace of appearing as both prosecutor and judge.

Until this time, the practice obtained in many boroughs of paying "wages" to their representatives in parliament. The laborious and upright Andrew Marvel, who was member for Hull, is said to have been the last person in our parliamentary history who received this kind of compensation. A bill was brought in this session to put an end to the practice.

But the bills which attracted most attention, and by which Danby hoped to enlist the zeal of the bishops, and the strong anti-catholic feeling of the people, against his opponents, were those prepared, it was said, with a view to the security of the church. Two bills were deemed necessary for this purpose:—the first relating to the difficulties which would arise, should the sceptre pass into the hands of a catholic; and the second, to the future treatment of popish recusants. The former consisted of certain provisions with regard to the exercise of the ecclesiastical patronage of the crown,

* "After some months, three of the lords were set at liberty on petitioning the king. Lord Shaftesbury would not petition."—Burnet. These noblemen, it appears, acted in opposition to the advice of their party on this question. Their colleagues spoke of it as a subtlety, and discouraged the effort to place "so much weight on such weak grounds." *Ibid.*

and the education of the children of the royal family, should any future possessor of the throne refuse to declare himself against the doctrine of transubstantiation—the usual powers of the crown in both these respects being vested, in such case, in the prelates, or in certain of them. The bill against popish recusants diminished, on the whole, the severity of the existing laws; but was recommended by its advocates on the ground, that its moderated penalties would operate as a stronger check, inasmuch as they would be more certainly enforced. But the country party opposed both measures with great vehemence. They were not disposed to look toward a popish successor as a probable event; and were violent in denouncing the proposed alienation of the ecclesiastical supremacy of the crown in favour of the bishops. Both these bills passed in the house of lords, but in the commons the first was given up by its advocates after the second reading; the second was at once rejected, and was described in the journals of the house as a device to favour popery under the pretence of imposing a more effectual restraint upon it. But these zealous theologians, though they insisted on retaining the right to put catholic priests to death, concurred with the upper house in abolishing the obsolete statute which doomed heretics to the stake.

On the matter of a supply, the commons evinced a disposition to meet the wishes of the government. The excise, which had been granted to the crown for nine years in 1668, was voted to continue three years longer. On receiving estimates concerning the increase necessary in the naval force, it was agreed that the sum of 586,000*l.* should be raised for that object. But care was taken that this money should pass into the hands of commissioners, who would be required to furnish an exact account of their expenditure to the commons.*

When the business of the English parliament had reached this point, news arrived that the French had spread consternation among the allies, by appearing in the field so early as the ^{Progress of} ~~the war.~~ beginning of February, and had laid siege to Cambray and Valenciennes. The prince of Orange suddenly placed himself at the head of such forces as he could collect, and at St. Omers hazarded an engagement with the enemy under command of the duke of Orleans, and Mareschal Luxembourg. The issue was not favourable to the prince, and he had the mortification of seeing Cambray, Valenciennes, and St. ^{March 17. 22.} Omers, fall into the hands of his antagonist. These signs ^{Ap. 20.} of extraordinary promptitude and vigour on the part of France became the occasion of much alarm in England. In the campaign of 1675 the greater success had been, upon the whole, with the allies; and in 1676 the acquisitions of the French in Flanders were, perhaps, nearly counterbalanced by their losses on the Upper Rhine, and in Pomerania. In England, this oscillation of the powers at war had produced dis-

* Parl. Hist. iv. 807—863. Burnet, ii. 107—112.

quietude rather than immoderate apprehension; and the general complaint was, that the king should seem to be so little sensible to the dignity of the position which had fallen to him, as having the settlement and the peace of Europe almost entirely at his disposal. But when the partial reverses of the French arms in 1675, and the languid campaign of 1676, were followed by the vigorous movements commenced in the early part of the next year, the inaction of Charles became a topic of much louder censure among his subjects.*

The commons presented an address to him, in which they expressed their desire that his majesty would speedily form such alliances as might enable him to restrain the power and ambition of France, and to act as protector of the independence and liberties of Europe. Charles replied that he would do everything for the preservation of Flanders that could be done consistently with the safety and peace of his dominions. This answer was, in effect, a refusal. It called forth a second address from the commons, in which they made use of plainer terms, and spoke with still greater earnestness, pledging themselves to grant the most adequate supplies should the king find it necessary to declare war against France. In his second reply, Charles intimated that he must not be expected to commit himself to the chances of such a struggle without something more definite as to the means of prosecuting it; and in his third communication 600,000*l.* was named as the sum which must be placed at his free disposal, before he could attempt "to speak or act those things" which would be expected from him. While the house was occupied with the consideration of this message, Charles sent for the members to Whitehall, when he assured them, on the word of a king, that no trust which they might repose in him should prove to have been ill-placed; and pledged himself to the most honest use of all money that might be voted for his service; but repeated that nothing should induce him to hazard war until possessed of the means necessary for making adequate provision against its probable consequences.†

By this speech Charles brought affairs to a short issue. He required the commons to trust him with 600,000*l.*, the only security for its just

* Temple, i. 401—445. Burnet, ii. 112, 113. The French also extended their incursions to the German side of the Rhine, "and with the most cruel ravages of burning and spoiling, such as had not yet been used on either side since the war began." Temple, i. 444.

† Parl. Hist. iv. 859—890. Hume describes the pledge given by the king to his parliament at this time, binding himself to a faithful prosecution of the war, while secretly pledged in his treaty with Louis to a different course, as "one of the most dishonourable and scandalous acts that ever proceeded from a throne." (viii. 32.) On this statement Dr. Lingard observes, that the treaty on which the implication is founded had no existence until after the pledge was given. But it is plain from the language of Hume, and from his reference (Dalrymple, ii. 103.), that the treaty intended by him is not that commenced in the summer, and concluded in the autumn, of 1677, but that disgraceful compact which had been completed in the February of the year before.

application being his royal word. They must either run the risk of losing all their money, or fail of those alliances which they had projected, and, at the same time, declare to the world the highest distrust of their sovereign." But there were many reasons which determined the house of commons to put no trust in the king: they considered that the presence of danger was obviously groundless, while the French were opposed by such powerful alliances on the continent; while the king was master of a good fleet at sea, and while all his subjects were so heartily united in opposition to foreign enemies: that the only justifiable reason, therefore, of Charles's backwardness, was not the apprehension of danger from abroad, but a diffidence which he might have perhaps entertained of his parliament, lest, after engaging him in foreign alliances for carrying on war, they should take advantage of his necessities, and extort from him concessions dangerous to the royal dignity: that this parliament by their past conduct had given no foundation for such suspicions, and were so far from pursuing any sinister ends, that they had granted supplies for the first Dutch war; for maintaining the triple-league, though concluded without their advice; and for carrying on the second Dutch war, which was entered into contrary to their opinion, and contrary to the manifest interest of the nation: that, on the other hand, the king had, by former measures, excited very reasonable jealousies in his people, and did with a bad grace require at present their trust and confidence: that he had not scrupled to demand supplies for maintaining the triple-league at the very moment he was concerting measures for breaking it, and accordingly had employed to that purpose the supplies which he had obtained by these delusive pretences: that his union with France, during the war against Holland, must have been founded on projects the most dangerous to his people; and as the same union was still secretly maintained, it might justly be feared that the same projects were not yet entirely abandoned. That he could not seriously intend to prosecute vigorous measures against France; since he had so long remained entirely unconcerned during such obvious dangers. That if he really meant to enter into a cordial union with his people, he would have taken the first step, and have endeavoured, by putting trust in them, to restore that confidence, which he himself, by his rash conduct, had first violated. That it was in vain to ask so small a sum as 600,000*l.*, in order to secure him against the future attempts of parliament; since that sum must soon be exhausted by a war with France, and he must again fall into that dependence, which was become, in some degree, essential to the constitution. That if he would form new alliances, that sum or a greater would instantly be voted; nor could there be any reason to dread that the parliament would immediately desert measures, in which they were engaged by their honour, their inclination, and the public interest. That the real ground of the king's refusal, therefore, was neither apprehension of

danger from foreign enemies, nor jealousy of parliamentary encroachments, but a desire of obtaining the money, which he intended, notwithstanding his royal word, to employ to other purposes. And that by such dishonourable means to so ignoble an end, he rendered himself still more unworthy the confidence of his people.”*

For these reasons the commons presented a further address to the king, praying him to enter into the closest alliance with the United Provinces, and to join himself with the other powers of Europe so far as to preserve the Spanish Netherlands, and to check the power of France, contenting themselves with repeating their former pledge, that the supplies necessary to support such a policy should not be wanting. On receiving this address, Charles vented his disappointment in severe terms. He described it as the language of dictation, and charged the commons with aiming to divest him of that branch of his prerogative which related to the formation of alliances, and to the questions of war and peace. His real mortification was, that the conduct of the house betrayed its distrust of his integrity to the eyes of all Europe, and that the money which he had promised himself, as the result of the artifice which he had employed, was not to be obtained. Parliament was immediately adjourned.†

Charles now became exceedingly desirous of seeing the war brought Perplexities of to a close. But his path was beset with difficulties. He the king. was not disposed to commit himself against France, and was as little inclined to incur the danger of dependence on extraordinary supplies from a parliament:—and with these prepossessions it was by no means easy to restore peace on terms that would be at all satisfactory to the allies, and, in consequence, to his own subjects. The campaign of 1677, vigorous as it was on the part of the French in the early part of the year, became languid and ineffective as the summer advanced, and the negotiations of the ambassadors from the different powers, which had been carried on for some time at Nimeguen, partook of the same dilatory and indecisive character.

The prince of Orange began, in these circumstances, to look with increased solicitude to the friendship of the king of Eng-
 Proposed visit of the prince of Orange. land; and Charles was no less anxious to conform to any policy that might serve to allay, in any measure, the noisy and perilous discontent which prevailed among his subjects. The prince finding it impossible to bring the French generals to a regular engagement, wrote, in the month of June to the king of England, stating his intention to visit his uncle at the close of the campaign, one part of his object being to make proposals of marriage to the princess Mary. Charles expressed great willingness to receive his nephew, but urged that his visit should be deferred until the congress at Nimeguen should

* Hume.

† Parl. Hist. iv. 859—890. Temple, i. 446.

have agreed upon the articles of a general pacification. But this did not comport with the plans of William; and Charles, aware of the great popularity of the prince with all classes in England, courted the good feeling of the people, by consenting to receive him on his own terms.

Toward the close of September William landed at Harwich, and proceeded, without delay, to Newmarket, where the court then was enjoying the usual sports of that place. The royal brothers received their distinguished relative with every appearance of cordiality, and soon attempted some discourse with him on the state of public affairs. But it was found, after several experiments, that the prince avoided such topics, and was by no means to be drawn into them. Charles was somewhat disappointed and perplexed by this demeanour, and inquired of sir William Temple—the person most in the confidence of the prince—what it meant. Sir William was instructed by the prince to say, that the reason of his conduct was, his intention to see the princess Mary, and to have the question relating to her settled, before he became a party to any conference on public matters; domestic happiness being an affair of so much importance in his estimation, that he was determined not to become the husband of any woman towards whom he could not entertain sentiments proper to that relation. Charles smiled at the simplicity of a reason so unusual among princes, but said that the humour of his guest should be gratified in that particular, and that the court should return to London some days earlier for the purpose.

On his arrival in town, the prince was introduced to his intended consort. He soon found that the favourable answers which had been returned to his inquiries concerning the mind, as well as the person of the young princess, were fully realised. His affections were at once interested, and his suit to the king and the duke was made without delay. The consent of both was readily obtained, but with the condition that the terms of peace with France should be settled before the marriage. William expressed himself strongly opposed to this condition, partly on account of the delays which it would occasion, but especially as it might expose him to certain reflections on the part of his allies, which he was concerned above everything to avoid. At best, they were likely to meet with hard measure at the congress, and his being a party to such terms before his marriage might bring upon him the reproach of having sacrificed his friends and the liberties of Europe to obtain a wife. During several days, this difficulty seemed to be insuperable on either side, and there was room to fear that the project of a matrimonial alliance would wholly fail on this account. While the affair was in this posture, sir William Temple supped one evening with the prince, and states that in all his intercourse with him he had never seen his temper so much disturbed. He said that he repented he had ever come to England; that he was resolved to stay but two days longer, should the

king continue in the same mind ; but that before his departure the king of England must choose how they should demean themselves toward each other hereafter, for he was sure it must be either as the greatest friends or the greatest enemies. He concluded by desiring sir William to state thus much to the king the following morning, and to let him know the result. Temple saw the king early the next day, apprised him of what had passed the previous evening, and directed his attention to the pernicious consequences which must follow, in the present state of the popular feeling, should the prince leave the country in displeasure. Charles heard him with attention, and concluded his reply by stating that he had the greatest confidence in the integrity of the prince, and that he would comply with his wishes. Sir William was desired to inform the duke of York of this decision, and his highness, after a moment's surprise, said—"The king shall be obeyed, and I would that all his subjects might learn from me how to obey him : I tell him my opinion freely, but when that is done, and I know his pleasure, I obey it." From the duke, sir William went to the prince, and told him all that had happened ; which, at first, he could hardly believe, but presently embraced him, and said that "He had made him a very happy man, and very unexpectedly." The match was declared the next day, and was hailed through the kingdom with a more universal joy than had been called forth by any occurrence since the Restoration.*

Charles and the prince now entered into conference with regard to the terms of the peace, in which they were assisted by Danby and sir William Temple. The king spoke of Louis as having reached that time of life when the military enterprises in which he had been so long engaged must have ceased to be agreeable to him, and urged, that there was less reason to be strict with him as to the conditions of his friendship in future, inasmuch as the ambitious portion of his reign had no doubt reached its close. The prince, on the contrary, maintained that Louis would never consent to any suspension of hostilities but with the view of placing himself in a position to renew them with advantage, and Temple declared himself of the same opinion. It was at length agreed that all places taken by France within the limits of the empire should be restored, together with the duchy of Lorraine ; that between France and the States there should be a mutual restoration of all the acquisitions made during the war ; and that the following towns taken from the Spaniards should be given up to them,—Aeth, Charleroy, Oudenarde, Courtray, Tournay, Conde, Valenciennes, St. Ghislain, and Binch ; leaving the other conquests made by the French in the Spanish Netherlands, particularly Franche-compté, about which there had been so

* Temple, i. 450—455.

much contention, in the hands of the victors. Charles appeared to approve of this adjustment, and Temple was immediately appointed to be the bearer of these proposals to the French court. The ambassador was not to negotiate concerning these terms, but to obtain the positive answer of the king of France, and his stay in Paris was not to extend beyond two days.

This tone of decision, however, was foreign to the character of the king. On the evening of the second day after this conference Charles rode in the Park, and seeing Temple at a distance, he beckoned his approach, and with some embarrassment of manner began to suggest, that it might be prudent to commit the embassy to other hands. The message itself, he observed, would be sufficiently unacceptable to Louis, and would only be rendered still more unwelcome, as borne by a person known to be so little friendly to the pretensions of France; added to which, as the object of his errand was not to negotiate, but simply to obtain an answer to the proposals, it was a business that might safely be committed to inferior hands. Sir William at once assured the king that he was himself very desirous of being released from his engagement. The mission was accordingly entrusted to lord Duras, a person at the disposal of the duke of York; and Charles, still further to soften the policy into which he had been led, consented, at the request of the French ambassador, to prorogue the parliament until the spring. Louis managed to detain lord Duras over the two days, and sent him away at last without the positive answer he had been commissioned to obtain.*

From this point a series of tedious negotiations ensued, which were conducted by the French with a degree of skill that extorted the admiration of their enemies. The marriage of the prince of Orange, and the altered tone of the king of England, consequent on that event, were regarded as fatal to the encroachments of France; but the ministers of Louis contrived to render both these occurrences conducive to their policy.

It is certain that Louis must soon have become solicitous for peace, had Charles so far concurred with his subjects as to have allowed of their taking part, to the extent of their humour, with the confederates. The English troops in the service of the king of France, which Charles, contrary to his solemn pledge, had allowed to be largely recruited from time to time, formed a considerable part of the force which had been employed against the Imperialists; and their disciplined courage had been so often exercised with effect, as to have given them the highest military reputation. Louis was far from being willing to part with such auxiliaries, and clearly saw that if once they should become arrayed against him, England might soon reinforce them, so as to place a most serious impediment in the course of his enterprises. At the

* Temple, i. 455—457.

same time, nothing was more dreaded by him than the chance of finding himself exposed to the combined naval power of England and Holland. The wealth of France, which furnished the king with the means of carrying on his military projects, was derived mainly from natural productions, peculiar, in a great degree, to the soil and climate of that kingdom; or from works of art, supplied by the taste and ingenuity which distinguished the French people. Italy, where the salts, the wines, and the matters of taste and luxury furnished by France, were in least demand, would have been almost the only country open to its merchants; and the shock which might thus have been given to its commerce would not only have affected the resources of the government, but must soon have produced a degree of suffering among the more active portion of the French people, that would have been inseparable from great popular discontent. Two years' war against the confederates, with England in cordial alliance with them, would have sufficed to realise the maturity of these evils. The ministers of Louis were not insensible to the position of their country in these respects, and accordingly, the message of lord Duras, which, in other circumstances, might have been resented as a threat, or as a kind of interference to which it did not become the dignity of France to submit, was received without any appearance of displeasure, while it was resolved that no means should be left unemployed to prevent the possible junction between England and the allies. Colbert, the great French minister, would have persuaded Louis to make peace even on the terms submitted to him, but the counsel of those who called for a prosecution of the war accorded more with the pride and restlessness of the monarch, and in consequence prevailed. Hence, the king of France not only made exceptions to some of the articles of the proposed pacification, but took the field in the depth of winter, in hope of extorting better conditions from his opponents.*

Charles had never been placed in a position of greater difficulty than at this moment. He was still bound to Louis by the secret treaty, and could ill spare the pension which he derived from that quarter. But it now appeared to be unavoidable that he should abandon that treaty, and that he should cast himself on the resources of his people by complying with their wishes so far as to declare war against France. News concerning the movements of the French army reached England in December; and parliament, which had been prorogued to an early day in April, was summoned to meet on the fifteenth January. By the middle of December a league was formed between England and Holland, which bound those powers to prosecute war against France or Spain, should either of the latter kingdoms refuse compliance with the terms of peace proposed through lord Duras.

But menacing as these proceedings may have been, Louis saw that they

* Temple, i. 468, 469.

were more formidable in appearance than in reality. He well knew the unsteady character of the English monarch ; his ceaseless want of money ; and the feeling with which, after every transient interval of resolution, he always drew back from the thought of dependence on a parliament. In the present parliament, too, there was a considerable number of persons, not only on the side of the government, but in the ranks of the opposition, whose votes, and whose talent for intrigue, might be purchased. On various pretences, the last quarterly pension due to the king of England was detained ; at the same time large offers of a pecuniary kind were made, on condition of his receding from the course which he had avowed, and of his making some material concessions in favour of France. Charles does not appear to have intimated any disposition to accept these offers ; but many members of the government, and some subordinates usually arrayed against it, were not so scrupulous ; nor was any insinuation spared that might serve to gender distrust both of the firmness and of the sincerity of the king in his present policy.

While disunion and weakness were thus diffused in England, similar intrigues were extended to Holland, and with a similar result. And in Holland, who were to be bought for such a purpose, were purchased to employ themselves in filling the mind of the people through the United Provinces with suspicions of the prince of Orange, in consequence of his new alliance with England. The large party in Holland who had been long anxious to see the war brought to a close, and desirous of a separate peace with France, became more than ever impatient of the firmness of the prince in refusing to become a party to any treaty which might involve an abandonment of his allies. His conduct in this respect, which had been always imputed to a mistaken sense of honour, was now ascribed, in many quarters, to a desire of retaining a military force under his command, and for the purpose, possibly, of setting up an arbitrary government both in England and in Holland ; while many expatiated on the folly of confiding in the alliance of a monarch of so little firmness or principle, and so manifestly attached to the interests of France, as the king of England ; nor would they admit that there was much more stability to be expected from the deliberations of the English parliament, than from the disposition of the king.*

When parliament assembled, it was resolved that a fleet of more than a hundred sail should be provided, together with an army of thirty thousand men, and a million of money was voted to be applied to these purposes. But much passed in the house which served to betray its opposition to Lauderdale, Danby, and to the duke of York, and its distrust of the government generally. Some of the most honourable persons in the country party, as lord Hollis, and lord Russell, could not suppress their doubts concern-

* Temple, i. 446. 457. 458. 463. 469.

ing the sincerity of the king in his apparent opposition to the designs of France; and feared that so soon as the supply voted should pass into his hands, a treacherous peace would be concluded, while the army raised under the mask of opposing the great enemy of the independence of Europe would perhaps be turned against the liberties of England. Hence, sir William Temple has remarked, that it was the great misfortune of English affairs at that time, that while the parliament often manifested its discontent because the king was not to be persuaded to enter into the war against France, there were circumstances which rendered it almost unavoidable that the commons should listen to him with distrust whenever he professed a readiness to comply with their wishes in that particular. Their feeling at such seasons was that of men expecting to be deceived in order to be plundered. It is manifest, that on either side there was too much ground for distrust, and to increase that feeling to the utmost was the great object of the agents of France. To the king, they insinuated, that nothing could be more unwise than to allow himself to be stripped of his power, by little and little, for the sake of obtaining those supplies which would become indispensable the moment war should be declared: while with the country party, it was easy to dwell on the weakness of giving the king credit for meaning hostility to France, or for cherishing any real solicitude about the liberties of Europe, seeing that his disposition through his whole life had been towards an opposite policy.*

As the spring approached the French army began its operations in Progress of Flanders. It menaced Namur, Mons, and Luxemburgh, the French. and took two valuable towns, Ghent and Ypres, after the siege of a few weeks. Louis might have added to these acquisitions, but he was content that this display of vigour should be left to produce its impression on the wavering counsel of the allies. In England, his advances were watched with the greatest anxiety. The demand for war became more loud and general than ever. The troops to be recalled from the service of France were about ten thousand men, and the twenty thousand which it had been resolved to join with them were raised almost without effort. But the hopes thus excited were soon checked by a vote of the commons, in which they declared their distrust of the government, and made particular mention of Lauderdale as one of the evil counsellors whose removal was necessary to their confidence.†

* "Great debates had arisen upon this affair; the reason was, a desire in some to oppose the court; and jealousy in others, that the king, indeed, intended to raise an army, but never designed to go on with the war; and to say the truth, some of the king's own party were not very sure of the contrary." Reresby's Memoirs, 57, 58.

† Parl. Hist. iv. 896—976. Temple, i. 458. "The king seemed positive to declare the war, in case the parliament advised him, and promised to support it, when an unlucky peevish vote, moved by sir Thomas Clarges to spite my lord treasurer, left all so loose that the king was in a rage, and reproached me with my popular notions, as he termed them." *Ibid.* 461. Sir William adds that the effect

Charles pointed to this vote as a confirmation of his often-repeated assertions with regard to the capricious and encroaching Charles disposed to comply with the terms of policy to which he had been so long accustomed, he now France. resumed the purpose of selling his friendship to Louis at the best price it might be made to secure. The French king had recently published his own terms of peace; in Holland the party opposed to the continuance of the war urged strongly that those terms should be complied with; and Charles expostulated with Temple on the uselessness of meditating a continuance of hostilities in such circumstances. The conditions of peace proposed and made public by Louis restored six captured towns to Spain, but left Ypres, Condé, Valenciennes, and Tournay, the most important places on the frontiers of the Spanish Netherlands, in the hands of France. The prospect of seeing this great struggle concluded, on terms so favourable to France, excited bitter complaint in England; especially when it was further declared, that the six towns to be given up were not to be evacuated until full indemnity should be given to the Swedes for all their losses in the war.

To abate the severity of the reproaches everywhere cast upon him on account of this unpropitious course of affairs, Charles once Resumes the more assumed the attitude of opposition to his secret ally. purpose of He deputed sir William Temple to devise such measures, war. in connexion with the States, as the exigency required. In less than a week from his arrival at the Hague, sir William concluded a treaty with the States, which called upon the French to evacuate the towns to be surrendered within sixteen days, and in case of refusal, pledged the king of England to join with Holland, and with all the allies of Holland, in the war.

But, unhappily, the English parliament was in no temper to support this appearance of vigour on the part of the king. In place Fails of sup- of reposing the degree of confidence in his declared inten- port from par- tions which was necessary to success, so strong were their timent. misgivings, that they came to a vote which required, in effect, that the addition recently made to the military force of the kingdom should be immediately disbanded.* Charles had not yet signed the treaty of sir

of this vote was contrary to the wishes of the house and of the person with whom it originated, and mentions the occurrence as an instance of the manner in which not a few in that assembly exposed the interests of the country to hazard for the sake of gratifying private animosity or party feeling. The obnoxious vote was on the 8th of March. On the 2d, news had come that Rouvigny had arrived with offers of peace on the part of France. "The parliament startled at this, and grew jealous the offers would be accepted—the king and the duke talked much of a war, but still it was suspected that their hearts were for peace—and many well meaning men began to fear the army now raised was rather intended to awe our own kingdom, than to war against France." Reresby, 58—62.

* It was not necessary that Charles should have put the construction he did on

William Temple; but his resources were still considerable; and as May 27. the French had signified their determination not to evacuate the six towns until the claims of Sweden should be satisfied, the prospect of peace was now at as great a distance as ever.

While affairs everywhere partook of this shifting and uncertain course, Charles passed his time, for the most part, with the duchess of Portsmouth, one of his mistresses, and with Barillon the French ambassador. These favourite companions, availing themselves of the easy temper of the king, and of a favourable moment, prevailed upon him to furnish a document which instructed sir William Temple to urge upon the Swedish ambassador the importance of releasing France from the necessity of retaining the Spanish towns as a means of indemnity to the Swedish government. This document was committed to the care of one Du Cros, a French ecclesiastic, who, in obedience to the treacherous advice of Barillon, gave out publicly at the Hague that the terms of peace had been fully agreed upon by Charles and Louis, and that he had been sent with a dispatch, which required sir William Temple to proceed immediately to Nimeguen, and to put an end to the proposed alliance between England and the Confederates. The vacillation betrayed by this disclosure served to destroy the last vestige of confidence in the king of England. Charles, it was said, could never cease to be the tool of Louis, and would always favour his projects to the utmost extent consistent with his own safety.*

The French at length consented to evacuate the six towns without Peace of delay, on condition that the States would forthwith Nimeguen. sign a separate treaty with them. Van Beverning, the Dutch ambassador at Nimeguen, who, until the moment of this offer, had not promised himself the chance of terms, on the whole, so favourable, at once complied. By this treaty Charleroy, Courtray, Oudenarde, Aeth, Ghent, and Luxemburgh were restored to the Spaniards; while Franche-compté, Cambray, Aire, St. Omers, Valenciennes, Tournay, Ypres, Bouchaine, Cassel, and some lesser places, were retained by France. Spain and Austria, separated from the United Provinces, could not carry on the war with any prospect of success, and experience had too often shown that to lean upon England, while under the guidance of her present counsels, was to rest upon a broken reed.

By the peace of Nimeguen, Louis not only obtained most of the objects which he had in prospect at the commencement of the war, but

this vote. Its language was, "if his majesty pleases to enter into a war against the French king, this house is, and always will be, ready to support and assist him in that war; but if otherwise, then they will proceed to the consideration of providing for the speedy disbanding of the army." *Parl. Hist. iv. 983., et seq.*

* Temple, i. 466. "The king told me pleasantly that the rogue Du Cros had outwitted them all:—however it was, and what endeavours so ever were made immediately after at our court to retrieve this game, it never could be done, and this one incident changed the whole fate of Christendom." *Ibid. Parl. Hist. iv.*

had secured them by so great a display of his resources, and as the effect of so many victories on the part of his generals, and of so much masterly conduct on the part of his ambassadors, that France had never been so much an object of apprehension to Europe as it became at the moment when the deliberations of that congress were brought to a close. The Imperialists, the Spaniards, and the people of England and of the United Provinces, all complained loudly of the ambition of France; and each power sought to diminish its own sense of mortification by imputing the largest share of blame to its neighbour. Thus the scale had not only turned against the confederates, but, as they seemed to have lost all concord among themselves, there was little room to expect that they would soon combine again with any prospect of success. The king of England was the special object of censure. The position which he filled exposed him to the contempt of Europe; nor was he anywhere more despised than in France, which had profited so largely by his weakness. The country which might at any time have curbed the pretensions of the French, and have prescribed the conditions of peace, and where the people were most eager to be thus employed, proved to be worse than useless in this great contest, purely in consequence of the personal character of the king. The commons had betrayed a peevishness, and a want of wise self-government in more than one of its recent votes; and some of its members, there was reason to think, had been corrupted by French gold; but these occurrences weighed little, as men looked to the conduct of the king for many years past, which exhibited him as the creature of France, and as capable of descending to any artifice or meanness for the accomplishment of purposes which commended themselves to his political preferences, his indolence, his yielding temper, and his listlessness with regard to all great objects. No man could place the least trust in his professions concerning principle of any kind, or in his promises of amendment. Suspicion had become incurable; and it was generally felt that no hope remained of seeing Great Britain assume her just position in relation to Europe, so long as her sceptre should continue in the hand by which it was then swayed.

CHAPTER VI.

Intrigues of Louis—extended to the Country party—character of that proceeding.—The Popish Plot—Kirby's warning to the King—Tonge's information—the subject taken up by Danby, and laid before the Council—Titus Oates—his depositions—Coleman's Letters—death of sir Edmundbury Godfrey—conduct of the Court, and of the Country party, in relation to the Plot considered—Parliament—The Catholic Test Bill—Bedloe appears as a witness—Bedloe and Oates accuse the Queen—Dispute on the question of the Militia—Impeachment of Danby on the evidence supplied by Montague—His defence—Dispute between the two Houses—Dissolution of the Parliament—its history and character—Trial and execution of Coleman and others—New Parliament—Dispute on the appointment of a Speaker—Questions of the last Parliament resumed—Impeachment and fall of Danby—The Plot—The new Ministry—The Exclusion Bill—The Habeas Corpus Act—Affairs in Scotland and Ireland.

It has appeared that from the period of the Restoration Louis was a close observer of the state of parties in England. His earliest intrigue was with the chiefs of the scattered commonwealth party, who, though the least likely to regain their power, were the last to relinquish hope. But the French king soon became aware that his policy might be better served by purchasing the services or the neutrality of Charles, than by encouraging disaffection among his subjects. Charles fell readily into this snare. As the web of his thralldom thickened and narrowed, moments occurred in which he would gladly have broken it asunder; but the agents of France were instructed, from time to time, to employ all possible means to prevent the escape of their victim. Hence the progress of affairs always tended to place the king of England in the midst of new difficulties. That so important a transaction as the marriage between the prince of Orange and the princess Mary, should have been concluded without the knowledge of the king of France, was a circumstance that could not fail of being so regarded by that monarch as to render him very suspicious of those professions of friendship in which Charles was accustomed to indulge. This happened in October 1677; and in the spring of the following year we find Louis extending his intrigues from the king and the court to some of the leading members of the opposition, both in the upper and lower house.

The money of France, disposed of in this manner, over a space of three years, did not exceed sixteen thousand pounds; an expenditure which, opposed to the influence of the court, could not have produced any great effect. Some ten or twelve members, conspicuous in the ranks of the opposition, are mentioned as receiving sums of three hundred or five hundred guineas from the hands of the French ambassadors Barillon and Rouvigny; and if the reports of these agents are entitled to full credit, we must place the honoured name of Algernon Sidney in the list of the persons who reconciled their patriotism to the

acceptance of such presents. Lord Hollis refused the offer of this kind which was made to him ; and the high character of lord Russell not only prevented the making of any such overture to him, but led him to say, when something of this nature was alluded to as of probable utility in relation to others, that he should be sorry to be found in any commerce with persons capable of being gained by money.

In forming our judgment with regard to the conduct of the country party in these transactions there are several matters that should come under candid consideration. In the first place, the reports of the ambassadors, as to the disposal of the monies intrusted to them, are not of a nature to be wholly free from suspicion. Barillon was a person whose expensive habits exposed him to frequent embarrassment, and, in consequence, to the danger of yielding to speculation, particularly when detection, as in this case, might appear to be almost impossible. The greater part of the money, moreover, was distributed, according to Barillon, not by himself, but by sir John Baber, an intriguer of still less responsibility, and much more exposed to temptation. Coleman, who was executed as a party to the popish plot, confessed before the house of commons in 1678, that he had received the sum of 2,500*l.* from Barillon to be distributed among the members of the house during that session, which money he had applied to his own purposes. His object in making this declaration may have been to bespeak the clemency of his judges, but it is quite as reasonable to suppose that in this confession he stated no more than the truth. With these grounds of suspicion, we should bear in mind the known venal temper of the government, and of the court party in the commons, for several years past ; and the much more material circumstance that, conceding the accuracy of the ambassador's representation, the money received does not appear to have been in any instance the price of principle. It is quite true that the policy to be promoted by these secret proceedings was regarded by Louis as favourable to his designs as the king of France ; but, on the other hand, it happened to accord no less with the wishes of the popular party as the conservators of the English constitution. Louis might gain one or two important towns by this means, in the treaty pending at Nimeguen ; but, in return, the friends of liberty in England would succeed in putting an end to the secret connexion which had so long subsisted between the crowns of England and France ; in curbing the power of the duke of York, as the great hope of the Catholic party ; in procuring the disbanding of an army which even the persons most in the confidence of the king regarded as more likely to be employed against the liberties of England than against the arms of France ; and in bringing about the removal of a bad minister, and the dissolution of a most corrupt parliament. That lord Hollis and lord Russell aimed at these great objects, and that they regarded them as of sufficient magnitude to justify their becoming parties to this clandestine procedure is open to no reasonable doubt.

The imminent hazard which threatened us from the conduct of France, in abetting the designs of Charles, cannot at this day be properly estimated. At the very time when the parliament was giving money to support a war, lord Danby was writing, by his master's orders, to beg money from France as the price of peace. There is little room to question, that had Louis been sincere in the project of making the king absolute, it might have been accomplished. Was not this sufficient to make it natural that the popular party should endeavour to turn the battery the other way? The question was not whether to admit foreign interference, but whether an effort should be made, not merely to neutralise it (for that was hardly within their power), but to turn it toward a good object. Still, as it must have been well known that the object of Louis was to obtain command both of the court and country parties, by giving hopes to each in its turn; and as it was reasonable to conclude, that no terms would prove too mean to be submitted to by Charles, as the alternative of withdrawing his dependance from Versailles, and placing it on an English parliament, we may perhaps speak of the conduct even of the most upright and honourable men who were concerned in this delicate business as partaking of imprudence; while those who descended to receive the money of the natural enemy of their country, though they may have done so without any real sacrifice of principle, and even on the plea that to have refused would have been to hazard their great object by giving offence and exciting suspicion, are not assuredly persons who should be considered as entitled to the praise of an unsullied or a truly high-minded patriotism.*

In the strength of those fears which had taken possession, not only of the populace, but of the most educated classes, with regard to the designs of the royal brothers in favour of the catholic religion and arbitrary power, we have the real cause of the secret understanding which grew up between the country party and the French court, and also of the strange effects produced by the statements and disclosures included in what is called the popish plot.

On the twelfth of August in the year 1678, a person named Kirby, described as a cavalier, of good family in Leicestershire, and who had become known to the king by his skill in chemistry, made his way toward the monarch while sauntering through St. James's Park, and said to him, "Sire, keep within the company: your enemies have a design on your life, and you may be shot in this

* Dalrymple, ii., 192—264. Rouvigny, the French ambassador, was first cousin to lady Russell, a circumstance which of course favoured communication between him and lord Russell. The conversation between him and lord Russell, which led the way to the sort of understanding that afterwards subsisted between Louis and the country party (for it never amounted to any formal engagement) took place in March 1678. *Life of William Lord Russell*, by lord John Russell, i. 106—124. Hallam, ii. 541—550.

very walk." This abrupt warning excited curiosity, and Charles instructed Kirby to meet him at the house of a person named Chiffinch, that he might hear more. Kirby there stated, that two men, named Grove and Pickering, had undertaken to shoot his majesty, and that sir George Wakeman, physician to the queen, had engaged to poison him; adding that his friend doctor Tonge, from whom he had received his information, was at hand, with a detailed account of the conspiracy in writing, prepared and kept secret for the inspection of his majesty.

This paper set forth the particulars of the alleged plot in thirty-three articles. Kirby and Tonge expressed their anxiety that the contents of the document might not be made in any degree public, as the best means of facilitating a detection of the plot would in that case be lost. The day after this conference Charles removed to Windsor, but told these persons to wait on lord Danby, who would give all due attention to the subject. In the conference with the lord treasurer, it appeared, that the paper placed in the hands of the king was a copy of the original, which had been placed under the door of doctor Tonge's residence. Who had placed it there the doctor knew not, but he suspected a person whom he had met in the street recently more than once, and should probably meet again soon. Three or four days afterwards Tonge came to the treasurer, and stated that he had met the man whom he suspected of being the author of the paper, and that, as he expected, he had confessed the fact. He had also given him another document of the same description, but desired that his name should not be at present made known, because the papists would murder him.

Information
furnished by
Dr. Tonge.

In this second paper mention was again made of Grove and Pickering, as persons who designed to assassinate the king. Danby inquired of Tonge whether he knew these men, and where they lived. The doctor professed himself ignorant of their residence, but said he knew their persons, and as they frequently walked in the park, he would undertake to point them out to any person his lordship should depute to accompany him for that purpose. Danby appointed a person named Loyd to attend the doctor for this object, and proceeded himself to Windsor, where he laid his additional information before the king, and pressed that Grove and Pickering should be apprehended, and that the whole matter should be brought under the consideration of the council. Charles concurred with neither of these suggestions: on the contrary, he commanded the minister not to make any mention of what had happened, not even to the duke of York.

Taken up by
Danby.

The next stage in the progress of this affair was Tonge's information concerning the abode of Grove and Pickering, and his promise to apprise the treasurer of the day when they would proceed on their journey to Windsor for the purpose of killing the king. One day was mentioned, and then another, but for some trivial reasons the assassins failed to make their appearance. Charles now became more incredulous than

ever, and observed to Danby, that to allow the matter to transpire would be to "alarm all England, and to put thoughts of killing him into people's heads, who had no such thoughts before." After the failure in relation to Grove and Pickering, Tonge wrote to the treasurer, stating that a packet of letters from certain Jesuits concerned in the plot were on their way to the post-office at Windsor, directed for one Bedingfield, a priest. Danby received this letter in Oxfordshire; he repaired with much haste to Windsor, where he learnt from the king that such a packet had arrived some hours before, that Bedingfield had delivered it to the duke of York, adding that he was sure the letters were not written by the persons whose names were subscribed to them, and that he doubted not some evil design was afoot. Charles appealed to this incident as a further evidence that the whole matter was a knavish fabrication; but the duke urged, with much earnestness, that the matter of the letters should be inquired into, and the consequence was that the letters to Bedingfield, and the papers received from Tonge, were laid

Laid before the Council.	before the council.
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It now became known to Tonge that the person who had placed the first paper under his chamber door, and from whom he afterwards received the second, was named Titus Oates. Burnet describes Tonge as a divine of no consideration; as poor, credulous, and simple, full of projects and notions, but concludes with stating that he had always looked upon him as a sincere man. Concerning Oates, the same writer informs us, that he was the son of a baptist preacher, who, soon after the Restoration, conformed and took a benefice; that Oates himself became a conformist clergyman, but always betrayed great ignorance, haughtiness, and ill-nature. He was once presented for perjury; and had been dismissed from the office of chaplain in one of the king's ships, upon complaint of a tendency to unnatural practices. He afterwards obtained a place among the chaplains of the duke of Norfolk, and while connected with that family he became a professed convert to the catholic faith, and joined himself to the Jesuits. In this character he had been sent to the college at St. Omer's, and on missions both in France and Spain. He had not long since returned to England; and there is some reason to think that the terms on which he stood with his new friends both in England and at St. Omer's were not such as to make him very desirous of perpetuating the connexion.*

The letters to Bedingfield were delivered on the last day in August. On the second of September Oates was introduced by Tonge to Kirby. On the ninth, Kirby held a conference with Oates at the Flying Horse, in King-street, Westminster, and took him with him from that place to his own lodgings at Vauxhall. Oates spoke of the suspicion and vigilance of the conspirators as making some such retreat indispensable, while the resources of Kirby proved a convenient relief to his poverty. The

* Burnet, ii. 424—426.

twenty-seventh of September arrived, and, after repeated applications, no further audience could be obtained, either from the king or the lord treasurer, and Kirby and his two friends began to be much perplexed by this unexpected neglect of their disclosures. On that day, however, Tonge received a summons to appear before the council. On the sixth Oates had sworn to his information before sir Edmundbury Godfrey, an active magistrate, but without allowing Godfrey to be acquainted with the particulars, Tonge having sworn before that the whole matter had been made known to the king. On the morning of the twenty-eighth, Tonge, Oates, and Kirby waited on Godfrey, with three separate copies of the deposition, that each copy might be sworn to, and each person retain one. On this occasion the magistrate insisted on retaining' one of the copies himself, which he did, and thus became acquainted with all the portentous things which those documents contained.

When Tonge appeared before the council, it soon became evident that nothing could be done until his informant should be brought forth, and, the same day, Oates was, in consequence, presented to be examined. He stated, among other things, that father Le Shee (La Chaise) had deposited ten thousand pounds in the hands of Worsley, a goldsmith in London, to secure the assassination of the king; and that the same sum had been offered by the provincial of the Jesuits in New Castile, as the reward of the person who should accomplish that great work. To facilitate and secure the ascendancy of the catholic religion, the king of France was to land an army in Ireland, and to bring with him forty thousand arms for the Irish catholics, many of the latter having already taken out their commissions from father Oliva, the general of the Jesuits of Rome, by virtue of the pope's bull. That the king had not fallen by the hands of Grove and Pickering was owing partly to accident and partly to negligence; and their want of skill and promptitude in that matter had exposed them to severe reprimands, and even to personal chastisement. The duke of York was to be sounded in the business, and if not found sufficiently complying, the two brothers were to be put out of the way. In the month of May in the present year, there had been a meeting of Jesuits at the White-Horse Tavern, which separated itself into five sub-committees, and resolved that Tonge, who had translated "the Jesuit's Morals;" Stillingfleet, who had written against the catholics; and Pool, the author of the Synopsis, should all be cut off; and Oates had been employed in carrying tickets expressive of these resolutions from one company to another. The fire of London was the work of the catholics for the sake of plunder, and cost them fourteen thousand pounds, eighty-six firemen having been employed, and seven hundred fire-balls consumed, in producing and feeding the conflagration. That the king was not killed on that occasion was purely owing to the great humanity he displayed, which softened the hearts of his enemies. Father La Chaise obtained constant intelligence from Cole-

man, who was the son of a clergyman, and who, on becoming a catholic, had been made secretary to the duchess of York, one Smith being the intermediate person employed in perpetuating this dangerous correspondence. Wakeman, the queen's physician, was to receive fifteen thousand pounds for poisoning the king, if ten thousand should not be deemed a sufficient compensation. Wagers were laid, and stakes made, that his majesty should eat no more Christmas pies; and it was fully resolved that if he did not become *r. c.* (Roman Catholic), he should not continue *c. r.* (Charles Rex). The Benedictines had furnished six thousand pounds in support of these projects; the Dominicans were poor, but would furnish a large supply of prayers and masses. Coniers, one of the conspirators, purchased a dagger for ten shillings, and boasted that it was to kill the king, and not dear for the work it was to perform. A paper model was made for the firing of London, showing how such a work should be commenced, and how conducted, as the wind might happen to serve. Oates was himself to command a detachment of incendiaries, and to have a thousand pounds for his services. All the principal preferments in the English church were filled up by the pope, and the names of a multitude of persons so preferred were given.

To the truth of these things "in the whole, and in every particular," Oates had sworn. The first impression of the king, and of many beside, appears to have been, that amidst so many particulars there must be some truth. But the principal effect of this examination was to show that no dependence could be placed on the veracity of the informer. Profoundly acquainted as he was with the intrigues of La Chaise, he did not know how to spell his name, but described him as Le Shee. He had seen La Chaise pay a sum of money towards prosecuting the conspiracy, and when required to say where that had been done, he immediately answered, in the house of the jesuits near the Louvre. Charles, on receiving this answer, exclaimed "Man, the jesuits have no house within a mile of that place." He was requested to describe the person of Don John, with whom he professed to have become acquainted when in Spain, and he described a short corpulent person as being spare and tall.

In the course of this examination, Oates confessed that he was wholly
 Coleman's destitute of documentary evidence in support of his allega-
 Letters. tions; but stated that such evidence would not be wanting
 if the council should think fit to grant warrants for seizing the papers of
 the persons whom he had accused. With this request the council complied. Among the papers seized were those of Coleman, the alleged
 treasonable correspondent of father La Chaise. Coleman had been apprized of his danger by sir Edmundbury Godfrey, who was his friend,
 and had destroyed most of his letters; but the contents of a particular
 drawer were overlooked, and thus a portion of his correspondence with

La Chaise, relating to the interval from 1674 to 1676, fell into the hands of the officers.

The drift of this correspondence was to obtain money from Louis, which was to be employed in procuring a dissolution of the English parliament, and in promoting the interest of France and of the Catholic religion. In pleading for this object Coleman writes, "We have here a mighty work upon our hands, no less than the conversion of three kingdoms; and by that perhaps the utter subduing of a pestilent heresy, which has domineered over great part of this northern world a long time. There never were such hopes of success since the days of queen Mary, as now in our days, when God has given us a prince (the duke of York) who is become—I may say by miracle—zealous of being the author and instrument of so glorious a work. But the opposition we are here to meet with is also like to be great, so that it imports us to get all the aid and assistance we can; for the harvest is great and the labourers are few. That which we rely most upon next to God Almighty's providence, and the favour of my master the duke, is the mighty mind of his Christian majesty.—Success would give to the Protestant religion the greatest blow it has received since its birth."*

When the nature of this correspondence became known, "nobody," says a contemporary, "can conceive, who was not a witness, Murder of Sir what a ferment this raised among all ranks and degrees."† Edmundbury Upon the impression made by Coleman's letters, came Godfrey. that produced by the death of sir Edmundbury Godfrey. Men everywhere persuaded themselves that the letters of Coleman furnished satisfactory evidence that the depositions of Oates, whatever invention or misconception might be mixed up with them, were founded in truth. Not many days after this feeling had appeared to take full possession of all classes, the rumour spread that sir Edmundbury Godfrey had been murdered by the papists on Primrose-hill. His body was there found lying in a ditch. There were some marks of violence on the breast, and a purple appearance round the neck, which seemed to indicate that the deceased had been strangled. His own sword was thrust into the body, and as little blood came on its being withdrawn, it was concluded that he had not been pierced with it until after his death. The rings he wore were still on his fingers, and his money in his pockets: hence no one supposed

* In another letter he writes, "I can scarce believe myself awake, or the thing real, when I think of a prince, in such an age as we live in, converted to such a degree of zeal and piety, as not to regard anything in the world in comparison with God Almighty's glory, the salvation of his own soul, and the conversion of our poor kingdom." The king he described as always disposed to favour Catholics to the utmost extent in his power. "Money," he adds, "cannot fail of persuading the king to anything. There is nothing it cannot make him do, were it never so much to his prejudice. It has such an absolute power over him that he cannot resist it. Logic built upon money, has in our court more powerful charms than any other sort of argument."

† Reresby, 66, Oct. 10.

that he had met his fate from the hand of robbers; and the circumstances of the case were abundantly sufficient to justify doubt as to his having laid violent hands upon himself. There is no view, however, that can be taken concerning the manner in which Godfrey came by his death which is not beset with great difficulty; and if *we* feel this, it is hardly surprising that the highly excited state of the public mind, just at that moment, should have disposed men to fasten on that view of it which accorded most with their fears and their resentments.

All men spoke of Godfrey as the Protestant martyr, and the greatest respect was in consequence paid to his remains. The body was removed, followed by great multitudes of people. During two days it was exposed to the gaze of the public; and men of all ranks seemed to turn from the affecting spectacle breathing the same sentiments of fear, indignation, and revenge. On the day of the funeral the procession moved through the principal streets. Nearly a hundred clergymen passed before the corpse, and more than a thousand persons of respectability and station followed in its train, while the people crowded in masses from every direction to gaze on the strange sight. Even the divine who preached the funeral sermon was guarded on either side while performing that duty.

The day on which Oates was examined Charles withdrew from the tedious effort of investigating the plot, to partake of the pleasures which invited him at that season to Newmarket. During his absence the panic occasioned by Coleman's letters, and by the murder of Godfrey, took full possession of the public mind. The king now issued a proclamation which promised pardon, protection, and the sum of five hundred pounds, to any person who should make known the assassins. But these large offers were made without effect.

It is not at all probable that this plot owed its origin to any intrigue on the part either of the court or of the opposition. The particulars included in Oates's deposition are such, for the most part, as no man of education or capacity would ever have put together. Charles discountenanced the affair, in the most decided manner, almost from the beginning; and the part of the scheme which made the jesuits assume the garb of covenanters in Scotland, and of nonconformist ministers in England, would, of itself, be sufficient to show that neither Shaftesbury nor any of his party were concerned in the fabrication. But if the supposed plot did not originate in party intrigue, it no doubt owed much of the shape and importance which it ultimately assumed to influences of that nature. Danby and his friends were the first to look on these pretended discoveries with such views. The minister had been already subject to one impeachment; and it was well known that the opposition in the commons designed to institute another, of a more formidable complexion, as soon as parliament should assemble. The obnoxious minister flattered himself that by the manifestation of great zeal on this subject he should exhibit himself with much

advantage, as the determined enemy of French interests, and as the main support of the protestant religion. Hence the commands of the king, delivered with the intention of putting an end to this affair as speedily and quietly as possible, were constantly evaded or disobeyed by the minister. But the opposition, particularly Shaftesbury, soon became aware of the lord treasurer's policy, and resolved to counteract it. While all classes of the people joined in describing Oates as the saviour of the nation, it is probable that the leaders of the two great parties shared considerably in the general delusion, being fully persuaded that, whatever might be the real character of Oates, he had, in the language of Evelyn, "discovered something really true," and were satisfied, especially by means of Coleman's letters, that "the jesuited party had formed a general design to ruin the church of England*." The country party were naturally disposed to credulity on such a subject, inasmuch as they were convinced that designs against the protestant religion had long constituted the great intrigue of the court. In the paper which lord Russell delivered to the sheriffs on the scaffold he expressed himself as follows on the subject: "As for the share I had in the prosecution of the popish plot, I take God to witness that I proceeded in it in the sincerity of my heart, being then really convinced (as I am still) that there was a conspiracy against the king, the nation, and the protestant religion." This is the view which appears to have been entertained by the majority in the two great parties, by nearly the whole of the church, and by the nation at large.

Charles would gladly have postponed the meeting of parliament until the excitement thus produced should have been in some measure allayed. But his wants did not admit of delay. Parliament.
October 21. In his speech, and in that of the lord keeper, slight mention was made of the plot. It was said to be undergoing full examination, and all matters connected with it would be referred for decision to the due course of law. But it was not in the power of the king to prevent this dangerous subject from falling under the cognizance of parliament.

The first proceeding of the commons was to appoint a committee to inquire as to the best means of preserving his majesty's person. Another committee was appointed to make investigation concerning the plot, and the murder of Sir Edmundbury Godfrey. Addresses were presented praying that a day might be separated as a solemn fast; that all catholics might be compelled to retire, under severe penalties, to the distance of ten miles from the cities of London and Westminster; and that the lord mayor, and the lieutenants of Middlesex and Surrey, should be required to put the metropolis and the adjacent country in the best posture of defence. The hurried movement and change occasioned by these precautions naturally contributed to increase the prevailin

* Works, vol. i., 479.

apprehension. Oates made his disclosures day after day at the bar of the house of commons, always adding some material matters to his previous depositions. He stated that Oliva, the general of the jesuits, in anticipation of the success of the plot, had appointed the lords Powis, Stafford, Petre, Arundel, and Belasis, with several other persons named, to various civil or military offices. All these persons were placed under arrest.

It was during the first week of this session, while the effect of these supposed discoveries was still fresh in the mind both of the parliament and the people, that the memorable bill
 The Catholic Test Bill, Oct. 28. passed the commons which, by exacting the oaths of allegiance and supremacy, and a protest against the doctrine of transubstantiation, from all members of parliament, excluded catholics from both houses of the legislature. It was in connexion with this bill that the two houses agreed in declaring "that there had been, and still was, a damnable and hellish plot, contrived and carried on by popish recusants, for assassinating the king, for subverting the government, and for rooting out and destroying the protestant religion." A proviso introduced by the lords, which excepted the duke of York from the effects of this measure, passed in the commons by a majority of two voices only. The disabilities thus imposed on the catholic peerage in a moment of frenzy, were not to be removed by the natural progress of affairs in less than a hundred and fifty years.*

The bill excluding the catholic peers from their seats in parliament passed the commons on the twenty-eighth of October. Two days afterwards a committee made its report to the house with regard to the contents of Coleman's letters, and the examination of that delinquent in Newgate. The prisoner confessed his correspondence, but said that it was not known to more than three men in England, of whom the duke of York was one, and lord Arundel, he believed, another. He further confessed, that he had been sent by the duke of York to Brussels to meet the pope's nuncio, for the purpose of obtaining money from him, on condition that toleration, or proportionable favour, should be shown to the English catholics. But he added that the nuncio had afterwards disowned having received any authority from the pope to enter upon such a negotiation. All persons observant of public affairs were satisfied that this correspondence formed but a small part of the intrigues of that nature with which the duke of York had been connected. Such as it was, it would have sufficed in the instance of any other subject as the ground of an impeachment. The conduct of the country party in this proceeding, instead of being liable to censure as selfish and unjust, is entitled, all things considered, to the praise of moderation. Shaftesbury moved in the lords, and lord Russell in the commons, that the duke

* North's Examen.

might be removed from all councils and public affairs. The lords hesitated, through the strong influence of the court, to adopt this recommendation; but the commons were determined, and the king at length prevailed upon the duke to compromise the dispute by publicly announcing his withdrawment from the council, which he did from his place in the house of lords.*

In the examination of the jesuits and others, who had been placed in confinement as persons inculpated by the evidence of Oates, nothing further could be elicited concerning the plot. Oates had lodgings assigned him in Whitehall, servants to attend him, and a pension at the rate of 1200*l.* a year. This favour, with the large reward, and perfect indemnity, offered to persons who should supply further information, could hardly fail to call forth new witnesses. The next person who became conspicuous in this character was a man named William Bedloe. This man, as inquiries came to be made concerning him, was found to be no less vicious than Oates. He had travelled through several parts of Europe, particularly France and Spain, sometimes in the capacity of courier to persons of distinction, sometimes endeavouring to pass himself off as a person of quality, and frequently assuming false names, depending for subsistence, for the most part, on artifice and dishonesty.

In conformity with his own request to the secretary of state, Bedloe was apprehended at Bristol. On his first appearance before the council he professed himself wholly ignorant of the plot, but was prepared to give evidence concerning the murder of Godfrey. Le Fevre, a jesuit, had informed him that the deed was perpetrated in Somerset-house, by the servants of the queen; that the magistrate had been inveigled to that place for the purpose; and that the body was borne at a late hour in the evening to the place where it was afterwards found on Primrose-hill. He had himself been offered two thousand guineas to take part in this service. At a subsequent examination he recalled his profession of ignorance concerning the plot, and made some minute and considerable disclosures on that subject, the substance of which was, that the jesuits and others, in France and Spain, had organized their plans to overthrow the protestant religion in England, and were preparing to land their respective forces to act in conjunction with insurgent catholics for that object. All these particulars were of the most improbable complexion; but the eagerness with which all such accounts were received seemed to preclude the smallest exercise of discrimination. Circumstances which warranted the strongest suspicion as to the whole matter, appear to have been regarded as obscure or contradictory purely from the want of further information, and thus operated only as incentives to more anxious inquiry and alarm.

Bedloe published a narrative, which declared every remarkable fire

* Parl. Hist. iv, 1016—1036.

Oates and Bedloe accuse of the jesuits; and growing bolder in his vocation, he the queen.

joined with Oates in charging the queen with being privy to the plot against the life of her husband. When the commons descended to lend some countenance to this accusation, by presenting an address to the king upon it, Charles is said to have observed "They think I have a mind to a new wife, but for all that I will not see an innocent woman abused." We have this anecdote on a suspicious authority;* but such language, if really uttered by the king, was not the less creditable to him, as being of a nature not to have been expected from him, Danby and the popular leaders well knew that their zeal in this matter was regarded by the duke of York as a filling up of the measure of their iniquity, and that enmity and revenge were alone to be expected from that quarter. Hence the exclusion of the duke from the throne became more than ever an object of solicitude with those persons; and as the charge against the queen seemed to promise a divorce, and the probability of a more immediate heir to the crown, this circumstance may have disposed them to listen to such an accusation with more readiness than can be deemed consistent with calm discrimination, or with a high sense of honour. The lords refused to join in the address of the commons on this point, and, encouraged by this circumstance, Charles placed Oates in confinement, and took possession of his papers.

In the midst of these occupations parliament passed a bill which required the militia to be called out during six weeks in every year. Charles declared the power of the sword to be

Dispute on the question of the Militia. one of the most valued prerogatives of his crown, and refused his consent to this bill as being an invasion of that power; but professed himself willing to adopt any recommendation on that subject which should leave the time and manner of assembling the military wholly to his discretion. The effect of this refusal was a vote of the commons, requiring that the troops recently levied should be immediately disbanded; and the money granted for that purpose, that it might not be misapplied, was required to be paid into the chamber of London, and not into the exchequer. The suspicions implied in this novel method of proceeding gave great offence to the king, and to the majority of the lords, and the measure was, in consequence, without effect.

By this time Danby began to perceive, that the passions of the people on the subject of the plot were not so likely to be enlisted in his favour, as upon the side of his enemies. The consequences of his former impeachment had been more injurious to his opponents than to himself, and it accordingly became them to move with much caution in any future attack upon him: nor is it probable that any very formidable ground of proceeding could have been taken against him, had not some unexpected disclosures occurred greatly to his disadvantage.

* North's Examen.

Montague, the English ambassador at Paris, made his appearance in England without permission from the king. The suspensions of Danby and of the king were immediately raised, and the papers of Montague were seized. But this proceeding did not take the ambassador by surprise. Several important documents he had been careful to secrete, which, as a member of the commons, he laid soon afterwards before that assembly. These papers related to some mean and treacherous overtures which Charles had made to Louis, through the agency of Danby, while the conditions of a general peace were under consideration at Nimeguen. They afforded sufficient proof that Charles, while declaring himself willing to join the confederates against France, and while calling upon his parliament to supply him with large sums of money for that object, was engaged in a negotiation to sell his services to Louis, demanding as their price the sum of six millions of livres a year for three years. It is since ascertained that Danby became a party to this project with much reluctance, but the fact of his participation in it was beyond doubt. In one of his letters he says, that in case the proposed conditions of peace should be accepted, the sum mentioned shall become due "from the time that this agreement between his majesty and the king of France shall be signed; because it will probably be two or three years before the parliament will be in humour to give him any supplies after the making of any peace with France; and the ambassador here has always agreed to that sum; but not for so long a time." To subdue the reluctance of his minister Charles subscribed this document with these words—"This letter is writ by my order.—C. R."

It was not surprising that the commons, on making this discovery, should look back on all the professions, and the whole conduct, both of the king and the government, as so many parts of a protracted artifice, the great design of which was to gain as large sums of money as possible from the court of France on the one hand, and from the English parliament on the other. The immediate impeachment of Danby of course ensued. He was charged with having wasted the public treasure, and with having obtained undue grants from the crown by improper means. But the charge of high treason was made to rest entirely on his having presumed to give instruction to ambassadors, without the concurrence of the privy council, or of the secretaries of state; on his having raised and continued an army contrary to an act of parliament, and for the purpose of introducing arbitrary power; on his having solicited money from Louis as the price of a disadvantageous peace, and at the imminent hazard of alienating the affections of the English people from the person of their sovereign; and on his being popishly affected, as shown in his so long concealing his knowledge of the popish plot.

To the greater part of these charges the reply of the minister was not difficult. There had been, he maintained, too many demands made on his limited means as treasurer to admit of much delin-

quency on that head, and he was prepared to show that his gains from office were not only much less than was generally supposed, but less than efficient usage would have warranted him in seeking. His presuming to act, in his communications to an ambassador, as though the power of the whole cabinet had been vested in his person, was his vulnerable point; but on the matter of the obnoxious money treaty, he soon made it appear that Montague was a greater offender than himself. It was easy also to dwell on the opposition which, as the chief minister of the crown, he had often manifested to the ambition of France; and on the forwardness with which he had entered into all measures opposed to the alleged designs of the catholics. His conduct in keeping up so large a military force in the face of so much remonstrance from the parliament, might have been regarded as admitting of some explanation, had it not stood in connexion with his detected intrigues, and with his zeal in support of the non-resisting test. Still, by clearly refuting some material parts of the accusation preferred against him, he exposed the remainder to suspicion; and he succeeded in showing that the conduct which his opponents had described as treasonable could amount, at most, to misdemeanour only. His correspondence, and his proceedings in relation to keeping up the army, convicted him to that extent. His defence—that he had done nothing on these points without the express command of the king, was, of course, in the mouth of an English minister, no defence at all. He found his great advantage in the indiscreet zeal of his prosecutors, and in the fact that his case was to be judged by the house of peers, and not by the sort of juries which were called to decide upon such questions in the then excited state of the public feeling.

The lords were so little satisfied with the form of this proceeding, and with the evidence adduced, that they refused to commit the accused. The commons manifested great displeasure on that account; and, to prevent greater evils, Charles prorogued, and soon afterwards dissolved this second long parliament.*

That house of commons, which had been assembled while the excessive feeling of loyalty which accompanied the Restoration was still unabated, had undergone the most marked change. Concord had given place to faction; strong party feeling had favoured the prevalence of bribery; and corruption had become allied with a distrust in respect to all the exercises of the royal authority which seemed to strike at its existence, or threatened to place it within narrower limits than had been ceded to it by the constitution. The most confiding of assemblies had become the most suspicious; and men who once seemed to forget that they had a country in their idolatry of the crown, were seen making daily advances towards becoming the opposite of their former selves. The language of patriotism, which, in

* Parl. Hist. iv. 1036—1075.

1661, no man ventured to employ, was on the lips of all classes of the community in 1678; and though the reality did not always keep pace with the pretension, and both public and private interests were too often exposed to great hazard by the violence of party animosities, the change, upon the whole, augured well for the ultimate complexion of English liberty.

The most exceptionable feature of this change is that which occurs in the history of the pretended plot, particularly Trial and execution of Coleman and others. being parties to it. The verdict of jurors, and even the decisions of the bench, were manifestly dictated by the same passions and prejudices which prevailed with the multitude. Coleman was condemned, partly on the evidence of Oates and Bedloe, and partly on that supplied by his own letters. The depositions of the two witnesses were, in effect, that the intrigues discovered in the letters were only parts of an extended system, in which the writer had been long engaged, for the purpose of crushing the protestant religion. The evidence of such persons was not entitled, on many accounts, to the slightest confidence; and that derived from the prisoner's correspondence, while it proved him a zealous catholic, capable of entering into schemes of some danger, with a view to advance the interests of his faith, was by no means decisive as to his having engaged, or being willing to engage, in any treasonable enterprise for that object. It seemed to point toward such facts and purposes, but it did not bring them fully to light. Coleman died protesting his innocence.

Ireland, an active jesuit, was placed in confinement in consequence of information furnished against him by Oates and Bedloe. He was charged, in common with Grove and Pickering, with being a party to the scheme which embraced the shooting of the king. Ireland proved an *alibi*, and would have done so with the most ample evidence, had he not been prevented from sending for witnesses, and denied the use of writing materials. But neither the evidence of witnesses, nor the protests of the prisoners at the place of execution, sufficed to produce the slightest suspicion of their being otherwise than guilty,—so confirmed was the impression of the people, that the doctrine of the catholic church afforded abundant sanction to the use of prevarication, and even of falsehood, in such cases. The only evidence adduced against these persons was contained in the depositions of Oates and Bedloe.

Bedloe accused a man named Prance, who was a Catholic, and silversmith, of being concerned in the murder of Godfrey. Prance asserted his innocence, but the rigours of his confinement, and the arts of the persons who examined him, disposed him to confess himself an accomplice. He afterwards retracted this confession; but in prospect of returning to the horrors of his prison, his courage again failed, and he again acknowledged himself guilty. It was now considered possible to make use of him as a second evidence along with Bedloe. Their

evidence charged three men, named Hill, Green, and Berry, with the murder of Godfrey. There was sufficient inconsistency and manifest falsehood in their statements to have deprived them of all weight in almost any other connexion, but they consisted of evidence which fell in with the prevailing feeling, and corroborated in some of its lesser circumstances by other witnesses, it was accepted as sufficient to decide the fate of the prisoners. At the place of execution they all professed themselves innocent, and Berry died a Protestant, but even that circumstance did not appear to beget the slightest confidence in his asseverations. "Strong faith in the plot was the test of all political merit. Not to believe was to be a political renegade; and according to the zeal so was the cruelty of the times. The terror excited by the plot had produced such a thirst of revenge, as nothing but blood could satiate. Every supposed criminal was pre-condemned, and no sooner did the victim appear than the people began to call aloud for the sacrifice. Pity was looked upon as not only impertinent but almost criminal; and even the great prerogative of mercy, lodged in the crown, was of no use."*

When Charles dissolved his long parliament it was not with the expectation of being able to dispense, for any length of time, with the aid of such assemblies. The country party had been long anxious to obtain a dissolution; and Danby, in urging a compliance with their wishes in that particular, persuaded himself that he had not only adopted the best means of escape from the displeasure of the house which had impeached him, but had done something to bespeak the favour of the house which might be chosen to succeed it. Charles acted upon the same policy in another form. Finding the speedy assembling of another parliament to be unavoidable, he endeavoured to allay the fears, and to regain the confidence of his subjects, by requesting the duke of York to withdraw himself for a while from his dominions. The duke consented on three conditions—that his majesty should declare the birth of the duke of Monmouth to have been illegitimate; that the royal assent should never be given to any bill to vacate his right to the crown; and that the order requiring him to withdraw should be given to him by the king under his own hand, that his removal might be manifestly an act of obedience to his sovereign, and not be construed as any admission of guilt, or as betraying any sense of danger on his own part. Charles complied readily with these terms; and as the various disclosures connected with the plot had not contained any direct implication of the duke, both parties hoped to derive some advantage from this display of moderation.

But the storm now raised was too violent to be much affected by such expedients. The new elections throughout the kingdom called forth a more severe struggle of parties than had ever been witnessed on any such occasion in our history. The popular candidates spoke of liberty, religion,—everything valuable to Britain and to

* Ralph, i., 407—424.

Europe,—as depending on the complexion of the new house of commons. In such a state of the public mind the result could not be doubtful. In the new parliament the court found an opponent even more determined and more formidable than its predecessor.

In his speech from the throne Charles touched with his usual skill on almost every topic likely to dispose his auditory to good temper and confidence. The treasurer followed in the same strain:—the great necessity for the meeting of parliament being to furnish money for disbanding the army, and for removing some heavy anticipations on the revenue. But the conduct of the king and his ministers soon betrayed a great want of that prudence which had been so observable in their speeches. Seymour, who had been speaker in the last parliament, was chosen unanimously to that office. But it happened that Seymour was the known enemy of Danby, and the treasurer prevailed upon the king to refuse his approbation of the choice which had been made, and to require, without assigning any reason for the proceeding, that the commons should select some other person. This step, equally unexpected and unwise, filled the house with surprise and indignation. It appeared, in the debate which followed, that Seymour had informed his majesty, the day before, of his election by the house, and that Charles had expressed himself pleased with what had been done. Danby in consequence had never stood so much exposed to the resentment of the commons as at this moment. The house complained in two addresses of the attempt thus made to wrest from them one of the most ancient and valued of their privileges; Charles had nothing to offer in reply except that it was his pleasure to do as he had done; and after some days had passed, and several angry discussions had been suffered to fan the flame thus kindled, the dispute was terminated by compromise. Seymour, chosen by the house, and sir Thomas Meres, nominated by the court, were both put aside, and the house, proceeding to a new election, fixed upon sergeant Gregory, who was accepted in the usual form. From this time the power of the crown to reject the choice of the commons in such cases has been more nominal than real; and the custom of leaving the name of the speaker to be proposed by the members of the privy council has ceased.

This essential preliminary to business being thus settled, the several matters which had engaged the chief attention of the former parliament to the close of its last session were entered upon—as the plot, the murder of Godfrey, and the impeachment of Danby. Committees of inquiry were appointed on all these subjects, and the last was especially commended to the attention of the upper house. The lords were not inattentive to the call thus made upon them. They did not comply with the request of the commons so far as to sequester the impeached minister from parliament, and to place him in safe custody, but they resolved that the impeachment

Dispute on the appointment of a speaker.

The great questions agitated in the last House of Commons are all resumed.

brought up by the commons in the last parliament had not been affected by the dissolution, but might be resumed.

This resolution brought the affairs of the minister to a crisis. His enemies had been for some time multiplying upon him, and in the most opposite quarters. He had not only to contend with the popular leaders in both houses, backed by the loud clamours of the people, but to provide against the intrigues of more insidious foes within the circle of the court and the cabinet. Arlington, envious and disappointed, never ceased to plot against him; the duchess of Portsmouth, the favourite mistress of the king, was a still more dangerous adversary. The duke of York had long ceased to regard him with approbation or confidence, and had left England with the expectation and the hope that along with the earliest news conveyed to him at Brussels would be the tidings that the lord treasurer had been displaced. The duke of Monmouth was no less his opponent; and the earl of Sunderland betrayed his interests under the mask of friendship; while his apparent zeal on the subject of the plot, coming in the train of many other unacceptable circumstances, had disposed the king himself to look around for assistance more agreeable to his own preferences, and more adequate to the exigency of his affairs. But supposing it probable that the impeachment, which had been abruptly terminated by the dissolution of the old parliament, would be revived in the new, Charles had been careful to confer on Danby a full pardon concerning all the matters of which he was accused. He now declared to the two houses that everything done by the minister had been done at his bidding; that the blame accordingly, if there were any, rested wholly with himself, and not at all with the lord treasurer; and that it was not only his intention to abide by the pardon he had granted, but to renew it as often, and in as many forms, as might be rendered necessary by future proceedings.

Thus it appeared to be the object of the king, not only to rescue his minister from the displeasure and power of the parliament, but to do so upon grounds that would have been fatal to one of the most acknowledged and important provisions of our free constitution, namely, the responsibility of the ministers of the crown to the country for all their acts, though performed in the king's name, and in obedience to his most formal mandate. It is one of the convenient fictions of our law that the king can do no wrong, and it is obvious that the security thus placed about the person of the sovereign can be retained, only as the responsibilities of bad government are allowed to rest with his ministers. If neither the monarch nor his ministers are to be held thus accountable, it is plain that the government would be an absolute despotism, all the forms of popular freedom being a mockery, to be thrust aside at pleasure. The question now raised in the case of Danby was not one concerning the limits of the royal prerogative of mercy, but the justice or expediency of allowing an impeachment to be stayed in its progress by the

intervention of an act of pardon from the king. It was alleged, indeed, that impeachments were cases of exception to the usual course of law; that in them the king ceased to be the prosecutor; and that, in such cases, the prerogative of mercy could not under any circumstances be exercised without depriving the body politic of its only remedy against a most dangerous class of public delinquents, namely, bad ministers of the crown. There was much justice in this enlarged view concerning the power of parliament in the matter of impeachments, and the prominence given to it at this time was one consequence of the effort made to abolish that power by rendering it useless. The members of the present house of commons needed no prompter to stimulate their attention to points of this nature: they still called upon the lords to proceed with the impeachment. Danby was at length committed to the Tower; and a dispute concerning the right of the bishops to sit in parliament on the question of the king's pardon in relation to an offence alleged to be capital, served to protract the enquiry until the parliament was dissolved. It should be mentioned that Charles, when he stated that he had given Danby a free pardon, added, that he had nevertheless removed him from all his employments.*

During these proceedings the popular belief with regard to the popish plot continued undiminished. Supposing the conspiracy to have been so extended, and to have embraced so many ramifications as the principal witnesses had affirmed, ample time had now been afforded for the production of some additional and less questionable evidence. But though a present of five hundred pounds had been made to Bedloe; though rewards were offered to stimulate the supply of further information; and though all the usual means of detecting the secret workings of treason were put into sedulous requisition, the evidence as to the reality of the plot still consisted for the most part of assertions made by Oates and Bedloe, and of inferences deduced from the language of Coleman's letters. The commons expelled one of their members, colonel Sackville, because he had expressed himself contemptuously in private company concerning those who spoke of the plot as a reality. All persons presuming to express their scepticism on that point were liable to be called before a committee of the house of lords for examination; and the five catholic peers, who had been committed to the Tower on the evidence of Oates and Bedloe, were required to produce the author of a pamphlet which had been written in their favour. But the great majority, even in the two houses of parliament, appear to have been persuaded that these partial infringements of liberty were indispensable, as the means of guarding it against the general hazards to which it was exposed.

* *Parl. Hist.*, iv. 1085—1121.

Having parted with Danby, Charles discovered an inclination to lean principally on the character and ability of sir William Temple, who, released from his diplomatic employments, had returned not long since to England. It was the earnest wish of the king that the ex-ambassador should become one of his secretaries of state. But sir William was more capable of giving good advice in difficult circumstances, than of bringing to the service of any government the self-denial and energy necessary to give his councils efficiency. The little gratifications of a philosophical retirement were his favourite pursuit, and had produced so much susceptibility of annoyance from trivial circumstances, as to have disqualified him, in a great degree, for the rougher duties of public life. Hence it was his policy, at this moment, to assist the king to the utmost of his power by his advice, but to abstain from exposing himself among those shoals and quicksands through which he clearly saw the vessel of the state would soon have to pass. It was well for England that it included men whose patriotism, if not quite so pure, was certainly of a more manly and generous temperament than that of sir William Temple.

The substance of his advice was, that Charles should endeavour to call off the attention of the patriots from their new measures, by surrounding himself with new men in whom both the parliament and the country might place confidence. The result was the formation of a new privy council, consisting of thirty persons, the one half of which was composed of persons already in office, the other of new men, either selected from the ranks of the opposition, or otherwise persons of character previously unconnected with the court. This list includes the names of lords Hollis, Russell, and Cavendish, with those of Ernley, Seymour, and Powle, all effective persons in the popular party. The earl of Essex, who was called to the office of treasurer, was also of that party, though the son of lord Capel, who suffered death as a royalist in 1649. The earl of Sunderland, whose conduct toward Danby had afforded equal proof of his duplicity and capacity, was raised to the office of secretary of state. With these persons sir George Saville, better known as the marquis of Halifax, was united. The duke of York regarded Halifax and Essex as persons "who did not love monarchy, as it exists in England;" but their republican tendencies were not of a nature to resist the influence of circumstances. Men of flexible principles often go with the stream, even while holding it in utter contempt, when they happen to have learnt by some degree of experience the cost and vanity inseparable from opposing it. However anxious such persons may be that men should live like philosophers, if they find, after some trial, that the mass about them are bent on a different course, they not unfrequently learn to content themselves with making use of human nature after the fashion that may happen to be most accordant with its humour. Halifax

was distinguished by refined capacity, by brilliant wit, and by a gaiety of temper always disposing him to excess; and the law of conduct imposed by these propensities was much stronger than any that had been suggested to him by his abstract theories on the question of government. Shaftesbury, contrary to the advice of Temple, was made president of the council.*

Little of the effect expected from this coalition ministry was produced by it. Soon after its formation the commons came to a unanimous vote, declaring "that the duke of York being a papist, and the hopes of his coming as such to the crown, have given the greatest countenance and encouragement to the present designs and conspiracies of the papists against the king and the protestant religion." With this resolution the lords concurred, only adding, that the fact of the duke of York being a catholic had made him "unwillingly" the occasion of the plot. This declaration bore the appearance of a preliminary step to the formal exclusion of the duke from the succession; and Charles determined to anticipate that probable course by announcing to the parliament some important concessions which he was prepared to make in prospect of the danger so much apprehended. The lord chancellor was instructed to say, that no circumstances could induce his majesty "to alter the descent of the crown in the right line;" but that, to place the protestant religion on the surest foundation, the king consented "to circumscribe the authority of a popish successor in these cases following:—first, that care be taken that all ecclesiastical promotions in the gift of the crown may be conferred in such a manner as to ensure that the incumbents may always be of the most pious and learned protestants, so that no popish successor may have any power or control over such presentations;—secondly, in reference to the state, that no papist may sit in either house of parliament, as already provided; that on the death of the king the parliament then sitting, or the parliament which last sat, shall continue indissoluble for a competent time; that the test laws, excluding all papists from places of trust, be continued; and that no lords, or others of the privy council, no judges of the common law or in chancery, shall at any time during the reign of a popish successor be put in or displaced but by the authority of parliament, and that care also be taken that none but sincere protestants may be justices of the peace;—thirdly, in reference to the military, the king is willing that no lord-lieutenant, nor deputy-lieutenant, nor officer in the navy shall be put in or removed except by the authority of parliament." The chancellor concluded by saying, that if there were any other point concerning which his majesty might further satisfy his subjects on this matter, short of disturbing the succession, he was ready so to do.

The report of these very material concessions filled the duke of York

* Temple's Works, i. 479, 480. Ralph, i. 437—439.

with mortification and alarm; but their general effect was such as Charles appears to have expected. They seemed to bespeak his own solicitude for peace, and to entitle him to the praise of moderation, while they would tend to produce just the opposite impression with regard to the conduct of the enemies of the duke, should they resolve on taking the extreme ground against him. But that ground they did take. The memorable Exclusion Bill, now introduced, declared, that "the priests and agents of the pope had traitorously seduced James duke of York to the communion of the church of Rome; and had induced him to enter into several negotiations with the pope, his cardinals and nuncios, for promoting the Romish church and interest; and by his means and procurement had advanced the power and greatness of the French king, to the manifest hazard of these kingdoms: and as the descent of the crowns of these kingdoms to a catholic might enable the adherents of the papacy to accomplish their evil designs, it was proposed to enact—that the duke should be rendered incapable of inheriting the crowns of England, Scotland, and Ireland; that the future possessor of the said crowns should be the next in succession, in the same manner as if the duke was dead; that all acts of sovereignty performed by the said duke should be punishable as treason; that the penalty of that offence should be incurred by his return into these dominions, and by all persons who should endeavour by correspondence or otherwise to bring him to the throne." This bill was read a second time, and passed into a committee of the house by a majority of two hundred and seven against one hundred and twenty-eight*.

"The right of excluding an unworthy heir from the succession was supported not only by the plain and fundamental principles of civil society, which establish the interests of the people to be the paramount object of political institutions, but by those of the English constitution. It had always been the better opinion among lawyers, that the reigning king, with consent of parliament, was competent to make any changes in the inheritance of the crown; and this, besides the Acts passed under Henry VIII., empowering him to name his successor, was expressly enacted, with heavy penalties against such as should contradict it, in the thirteenth of Elizabeth. The contrary doctrine, indeed, if pressed to its legitimate consequences, would have shaken all the statutes that limit the prerogative; since, if the analogy of entails in private inheritances were to be resorted to, and the existing legislature should be supposed incompetent to alter the line of succession, they could as little impair as they could alienate the indefeasible rights of the heir; nor could he be bound by restrictions to which he had never given his assent. It seemed strange to maintain that the parliament could reduce a king of England to the condition of a doge of Venice, by shackling and taking away his authority, and yet could not divest him of a title which they could render

* *Parl. Hist.*, iv. 1125—1148.

little better than a mockery. Those accordingly who disputed the legislative omnipotence of parliament did not hesitate to assert that statutes infringing on the prerogative were null of themselves. With the court lawyers conspired the clergy, who pretended these matters of high policy and constitutional law to be within their province; and, with hardly an exception, took a zealous part against the exclusion. It was indeed a measure repugnant to the common prejudices of mankind; who, without entering on the abstract competency of parliament, are naturally accustomed in an hereditary monarchy to consider the next heir as possessed of a right, which, except through necessity, or notorious criminality, cannot be justly divested. The mere profession of a religion different from the established does not seem, abstractedly considered, an adequate ground for unsettling the regular order of inheritance. Yet such was the narrow bigotry of the sixteenth and seventeenth centuries, which died away almost entirely among protestants in the next, that even the trifling differences between Lutherans and Calvinists, had frequently led to alternate persecutions in the German states, as a prince of one or the other denomination happened to assume the government. [The Romish religion, in particular, was in that age of so restless and malignant a character, that unless the power of the crown should be far more strictly limited than had hitherto been the case, there must be a very serious danger from any sovereign of that faith; and the letters of Coleman, as well as other evidences, made it manifest that the duke of York was engaged in a scheme of general conversion, which, from his arbitrary temper, and the impossibility of succeeding by fair means, it was just to apprehend must involve the subversion of all civil liberty. Still this was not distinctly perceived by persons at a distance from the scene, imbued, as most of the gentry were, with the principles of the old cavaliers, and those which the church had inculcated. The king, though hated by the dissenters, retained the affections of that party, who forgave the vices they deplored, to his father's memory and his personal affability. It appeared harsh and disloyal to force his consent to the exclusion of a brother in whom he saw no crime, and to avoid which he offered every possible expedient. There will always be found in the people of England a strong unwillingness to force the reluctance of their sovereign—a latent feeling of which parties in the heat of their triumphs are seldom aware, because it does not display itself until the moment of reaction. And although, in the less settled times before the revolution, this personal loyalty was highly dangerous, and may still, no doubt, sometimes break out so as to frustrate objects of high import to the public weal, it is on the whole a salutary temper for the conservation of the monarchy, which may require such a barrier against the encroachments of factions, and the fervid passions of the multitude*.”]

Charles spoke of this bill as “villainous,” and declared that nothing

* Hallam, ii. 580—583.

should induce him to give to it any sort of approval. It went into committee in the commons on the twenty-first of May; on the twenty-sixth the king prorogued the parliament, which he afterwards dissolved by proclamation. In his address at the prorogation, the principal reason assigned for that proceeding referred to "differences between the two houses," from which very ill effects were apprehended.

These differences had respect partly to the forms of proceeding in the The Habeas impeachment of Danby, and partly to certain amendments Corpus Bill. of the lords introduced into the famous Habeas Corpus Bill. Several angry conferences took place in relation to that bill. Much attention had been bestowed upon it both in the present and the preceding parliament, and though by no means the measure for which the commons had contended, the shape in which it obtained the royal assent on the day of the prorogation left it in possession of many truly valuable provisions. It was enacted, that all sheriffs, goalers, ministers, or others, when served with a writ of Habeas Corpus, should obey it within three days, by presenting the person therein named to the court or judge, by whom the said writ was granted; and before him to certify the true causes of the detention of the person so presented, on the penalty of one hundred pounds for the first default, and of two hundred, and forfeiture of office, for the second. It was further enacted that the same penalties should be incurred by refusing the prisoner a true copy of the warrant of commitment for more than six hours from the time of his demanding it; that the judge, who, either in term time or vacation, should refuse a prisoner his Habeas Corpus, on application, should forfeit to the said prisoner the sum of five hundred pounds; that no prisoner, once enlarged by order of court, should be re-committed for the same offence; and that no subject should be any longer liable to illegal imprisonment in prisons beyond the seas. The passing of this bill was the great service rendered to Englishmen by the third parliament under Charles the Second*.

These proceedings belong to the year 1679. Our last mention of Affairs of Scot- affairs in Scotland related to the establishment of episco- land—the Bill pacy in that kingdom in 1662. That act of the Scottish of Indemnity. parliament was followed by another bearing the name of an act of indemnity and oblivion, but which, from its artful construction, was regarded by Middleton and his associates as likely to afford them ample means of gratifying their avarice and revenge. The power which they solicited was merely such as might enable them to exclude a few obnoxious persons from public trusts, but it was no sooner obtained than a multitude of persons found themselves obliged to compound, in large sums, for their alleged offences during the late troubles. Beside the more considerable delinquents, most of whom compounded in secret, a list of nine hundred was reported to the parliament, whose fines amounted

* Ralph, i. 450, 451.

to eighty-five thousand pounds. The most worthless accusations served as the ground of these proceedings, and the power to refute them was known to be of no avail.

Middleton had succeeded in removing the duke of Argyle from the path of his ambition, but had experienced the mortification of seeing the titles and estates of that nobleman descend to his son, lord Lorn. It happened about this time that a letter was written by Lorn to a friend, in which he spoke of having gained the friendship of Clarendon, and intimated his expectation that it would soon be in his power to counteract and expose the iniquitous policy of Middleton and his partisans. His letter came to the hands of Middleton. It was described as an attempt to defame the servants of the crown: as such it came under the Scotch law of *leasing-making*, and exposed the offender to the penalties of sedition. Lorn was placed at the bar of the Scottish parliament, his enemies were his judges, and he was condemned to die; but it had been provided that no capital sentence should be executed by the representative of the sovereign in Scotland without the royal warrant for that purpose, and Charles, displeased with the severity thus shown toward a young nobleman, who had always acquitted himself as a loyal subject, granted him a pardon.

Lorn owed his life, in great part, to the influence of Lauderdale, between whom and Middleton the greatest jealousy subsisted. The artifice and injustice betrayed by Middleton in his attempts to free himself from so dangerous a rival hastened his fall. In Scotland, as well as in England, the nonconformist clergy were numerous, and Middleton had been led to conclude that it would be possible to recommend himself most effectually to Clarendon and the court, by treating that class of persons with great severity. But his measures proved to be as impolitic as they were cruel. The clergy were banished to the distance of twenty miles from their former parishes, and were not to come within six miles of Edinburgh, or of any cathedral, nor within three miles of any royal borough; and the people were prohibited, under severe penalties, from contributing to their support. The inhumanity of these measures rendered Middleton odious in Scotland, while the indiscretion which attended the execution of them made him contemptible at court.

In 1663, Middleton, as minister of Scotland, was succeeded by Lauderdale; but the people, who hailed the change as a benefit, soon found that their exultation had been premature. Middleton succeeded by Lauderdale was prepared to sacrifice principle and humanity to any extent for the sake of power. To gratify the prelates he consented to render the laws against nonconformity, in many respects, more severe; and that the king might be made aware of the importance of Scotland should it be deemed expedient to attempt the introduction of an arbitrary government into England, the new minister boasted of being

able to place an army of twenty thousand men at the disposal of his sovereign.

In 1664, the parliament being dissolved, a court of ecclesiastical commission moved from place to place over the country, diffusing terror wherever it came. Sharp, the evil genius of Scotland at this period, was the parent of this commission, which consisted of nine prelates, and of a certain number of lay functionaries. Its principles of proceeding betrayed a contempt of law and justice to which it is not easy to find a parallel except in the history of the Inquisition. The slightest expression of the popular feeling was magnified into a formidable conspiracy against the church and state; the prisons were crowded with victims; the most ruinous penalties were imposed; and so useless was evidence or defence, that multitudes of innocent persons suffered themselves to be outlawed rather than fall into the hands of a tribunal which seemed to exist but for the purpose of giving full play to the worst passions of human nature. At length, the lay commissioners began to blush for the conduct of the ministers of religion, and by gradually withdrawing from the sittings of the court they put an end to its existence in the second year from its formation.

Unhappily, the goading oppressions of the ecclesiastical commission court were succeeded by the less endurable tyranny of the soldiery. The military spread themselves over the west of Scotland, and were quartered everywhere upon the persons convicted of absenting themselves from their parish church. The exactions, the insolence, and the manifold oppressions, which were thus sent home to the hearths of obnoxious persons, were such as could not be long continued without producing insurrection, or completely crushing the party subject to them. The fines which Middleton had levied upon alleged delinquents a little before his removal from office, were now exacted with the greatest rigour for the purpose of making additions to the military force; and to make room for the large class whose indigence left them exposed to no other form of punishment, multitudes who had been committed to prison by the late ecclesiastical commission were sent as convicts to Barbadoes.

When this course had been pursued between two and three years, a partial insurrection broke out. It originated, as frequently happens in such cases, in local accident, and was marked, to its close, by an absence of the concert necessary to success. The numbers of the insurgents never exceeded two thousand, and the fears which their early successes diffused, were allayed by their memorable defeat on the Pentland hills. Military tyranny was then followed by military executions. The bishops, particularly Sharp, and Burnet the archbishop of Glasgow, reproved the tardy humanity of their order, and of the military officers. Twenty of the prisoners taken at

Pentland were executed at Edinburgh, and thirty-five before their own doors in other parts of the country. Many were put to the torture to discover the secrets of an enterprise which owed its origin to an accident falling like a spark on the prepared temper of the people. The court at length sent an order to put an end to these sanguinary proceedings; but Sharp and Burnet withheld the document until they had numbered Maccaill, a young preacher of great reputation among the covenanters, with their victims. Maccaill was put to the torture; the instrument employed was the boot, which was of iron, and was made to crush the leg by means of wedges. The prisoner sustained the barbarous pressure until the bone was broken; and when led to the scaffold he exclaimed, with the enthusiasm which had often produced its powerful effect upon his followers, "Farewell, thou sun and moon! the world and all its delights, farewell! Welcome God my Father! welcome Christ my Redeemer, welcome glory and eternal life! welcome death!" The utterance of these sentiments, with the aid of a fine voice, and much natural dignity of manner, is said to have called forth tears from all who heard them.*

But even now the cup was not full. Dalziel and Drummond, in whom the chief military command was vested, exceeded in their severities those who had preceded them. They introduced military execution into the west, and in a temper to be expected from men who are described as of a brutal character, inured to cruelty in the service of Russia. "Some were put to the sword, or executed on the highway without a trial; others were tortured with lighted matches fastened to their fingers, to extort confession; and among the atrocities imputed to Dalziel, a son was executed because he refused to discover his father; a woman accessory to the escape of her husband was tortured to death. The soldiers were indulged in every species of excess. Rapes, robberies, and murders were committed with impunity, and the prisoners arrested on suspicion were stripped and thrust into crowded, contracted, and unwholesome gaols. Instead of penalties, a sufficient number of soldiers were quartered on recusants to ruin or *eat them up* in a single night. The clergy, instead of interceding for the people, abetted the crimes of the military, with whom they associated, aided or directed their violence, connived at their escapes, and, amidst calamities productive of a transient conformity, rejoiced at the golden age which the church enjoyed. The western counties were subject for seven months to every species of military outrage, till the appearance of the Dutch fleet in the Forth recalled the troops to the protection of the coast."†

While the conduct of the military and of the clergy was characterized by so much tyranny and cruelty, it will not be supposed that the courts of justice were kept pure. It was one of the most ancient and unquestionable provisions of the law of Scotland that no party should be condemned in his absence, or be

Arbitrary maxims of the government.

* Burnet, i. 233—236. † Laing, ii. 22—41. Ibid, 42,

deprived by outlawry of a legal trial on his appearance in court. But that the property of the more opulent delinquents, who had many of them escaped the hands of their persecutors, might be seized, the officers of state prevailed upon the judges to declare that the justiciary court might proceed to try and condemn all traitorous persons who refused to make their appearance. In this manner one of the most valuable securities of Scottish law was abolished, and by this means the estates of fifty-five gentlemen passed into the hands of Dalziel and Drummond, and of the members of the administration, the sufferers being sentenced to be executed whenever they should be apprehended. In order that the power of the government might be augmented at pleasure, and made to embrace, as occasion might demand, almost any extent of severity, it was agreed that the statute imposing the oath of supremacy, and requiring an abjuration of the covenant, should not include any specified penalty, but that, in this case, as in some others of no less importance, the form and measure of punishment should be left to the discretion of the ministers of the crown. The effect of this arbitrary policy was to expose offenders to the fear of every sort of oppression. The punishment usually inflicted in such cases was servitude in the West Indian plantations, which generally proved a lingering death.

After the fall of Clarendon, and the disastrous issue of the Dutch war, the government of Scotland became much less intolerant, and in civil affairs was conducted with much more equity and less rigorous wisdom. In England the government of Clarendon, weakened and disgraced by its severities and mismanagement, had come to its close, and a tone of conciliation began to pervade the councils of both kingdoms. Multitudes of the most conscientious and devout persons in England and Scotland had been driven by persecution from an excess of loyalty to the verge of rebellion, and this, joined with the prevailing discontent occasioned by the general vices of the administration, seemed to expose the whole fabric of the state to imminent hazard. In Scotland, the two archbishops, Sharp and Burnet, were dismissed to their episcopal duties, and commanded to abstain from meddling with state matters; a general pledge, not to be a party to any violation of the public peace, was substituted for the oaths of abjuration and supremacy; and a formal attempt was made to adjust the worship and polity of the church so as to include presbyterians and episcopalians, without any greater surrender on either side than it might be reasonable to expect from both.

The more obnoxious parts of the English liturgy had not been generally enforced in Scotland, and the great point to be obtained was, the acknowledgment of episcopacy in any form on the part of the presbyterians. The bishops promised themselves that the slightest admission of their authority by one generation would prepare the way to its full establishment with the next. But the

caution with which this snare was laid on the one side was not greater than that with which it was guarded against on the other. Had such a bait been held out in 1660, it would probably have succeeded, but the conduct of the prelates since that time had been such as to deprive them of all prospect of support in Scotland, except by means of the sword.

An attempt was at the same time made to soften the existing asperities by extending some indulgence to the ejected clergy. About forty of that number accepted livings from the civil power, and for a time attracted large congregations to their churches. But the great majority who refused to conform soon began to declaim in their religious meetings against their self-seeking brethren, who, for the sake of a living, had descended to become the tools of the magistrate in the place of being rulers of the church; and the popularity of the conformists proved to be of short duration, and their numbers inconsiderable.

This milder administration lasted about three years. But toward the close of 1669 the government began to resume much of its former temper. Lauderdale became the husband of the countess of Dysart, a most dangerous woman, who acquired a complete ascendancy over him. To gratify her resentments, he removed sir Robert Murray, one of the most accomplished and upright men that Scotland had produced, from the highly responsible office of justice-clerk. The people looked on that proceeding with much regret and suspicion. But the object of the measure soon became apparent. Lauderdale, after much effort, had succeeded in obtaining a place in the cabal administration; and in the hope of commending himself effectually to the favour of the king, and of his advisers, he procured the passing of two acts in the Scottish parliament which promised to place the affairs both of church and state in that kingdom more than ever at the disposal of the crown. The first of these acts declared the external government of the church to be an inherent right of the crown, and gave to the decisions of the sovereign concerning all ecclesiastical matters, meetings, and persons, when recorded and published by the privy council, the force of laws. This was at the moment when the secret treaty with France, designed to overthrow the protestant religion in Great Britain, was in progress, and when the expectation of its success was the most sanguine. With this first act was a second, which established an army of twenty-two thousand men in Scotland, empowered to march, under the direction of the privy council of that kingdom, to any part of the British dominions, as the honour or safety of the king might require.

The most dangerous members of the cabal were not insensible to the services of Lauderdale in these particulars; but happily the country party in England were not less alive to the tendency and object of this policy. At the same time, the laws against conventicles, particularly against those held in the fields, and which were become the most common, were rendered more severe. The penalties incurred by a field-preacher were

confiscation and death; his hearers, if apprehended, were subject to double fines, and punished as convicted of sedition; and fines, imprisonment, and transportation, were rigorously inflicted on those who refused to furnish information upon oath against their relations and friends. It should be remembered that the presbyterians, toward whom all this severity was exercised, were at least three-fourths of the nation. The effect, as might have been expected, was to convert the field-meetings into armed assemblies.

Lauderdale became a duke; his profusion had scarcely any limit; his duchess rendered everything venal; and his government, after having been characterized for some time by a comparative equity and mildness, became, in all respects, the most insolent and tyrannical that Scotland had ever witnessed. The nobility, who did not much exceed a hundred in number, were mostly poor, and too generally obsequious in all things to those who happened to enjoy the royal favour. The courts of justice were so corrupt as to have no sort of hold on the esteem or confidence of the people; while the members of the privy council were known to be the mere creatures of the minister. His rapacity, and that of the men who, in various capacities, acted with him, appeared to have no end. His salary was 16,000*l.*; he received in donations nearly double that amount, beside large sums from other sources, especially from the feudal claims of the crown in matters of wardship and marriage, and in the shape of fines imposed on religious grounds. In the latter form, Athol, the justice-general, exacted nearly two thousand pounds in one week. The wife of a gentleman had attended a field-meeting, and a youth from school had accompanied her, and both were obliged to compound for fifteen hundred pounds. Ten gentlemen in the shire of Renfrew, and these not the most considerable persons of their class, were amerced to the amount of thirty thousand pounds. These fines, in fact, were farmed like any other source of revenue; and Lauderdale often insulted the sufferers with his unfeeling jests while in the act of plundering them. In the mean while the commerce of the country suffered greatly; in part from certain of the duties laid upon imports and exports, and in part from a number of monopolies introduced for the benefit of the minister and his friends.

Encouraged by the strong feeling of disaffection to the government, both in England and Scotland, the Scottish parliament, in 1673, to the great surprise and indignation of Lauderdale, demanded that a redress of the national grievances should precede the granting of a supply. Lauderdale resorted to the usual means of intimidation. But the body of the nobility and gentry now arrayed against him, led by the duke of Hamilton, and strengthened by the deep feeling of the people, proved too formidable to be subdued by such expedients. Lauderdale adjourned the parliament for two months, and the leaders of the discontented nobles were invited to court, where they were assured by the king that the mat-

ters of which they complained were left to be dealt with, as should appear best to the parliament. It was now the depth of winter, and the severity of the season had destroyed a third of the sheep and cattle; but Hamilton, and his colleague, the earl of Tweeddale, hastened back with their welcome tidings to Edinburgh. Soon after their arrival the deception which had been practised upon them became manifest. The parliament was assembled, but only to be immediately adjourned, and afterwards dissolved by letters from the king. This proceeding excited great indignation. Hamilton and Tweeddale prayed to be again heard by the king; and Charles replied that he was willing to receive any communication from the dissatisfied in writing; but so comprehensive were the tyrannical provisions of the Scotch law of *leasing-making*, and so strong was the conviction of Hamilton and his friends that the government was disposed to put those provisions into the fullest requisition against them, that no man could venture to attach his name to any written statement of the public grievances. In the English parliament, the leaders of the opposition were engaged in the prosecution of Lauderdale, along with the principal members of the cabal; and in Scotland, the general feeling, expressed in a multitude of anonymous publications, called loudly for the removal of the duke from office. But Charles looked to Lauderdale, and to the army under his command in Scotland, as his main strength, in the chance of any formidable rupture with his subjects in England; and, in the end, the misguided monarch succeeded not only in confirming the duke in his offices, but in removing Hamilton, and some other opponents of the obnoxious minister, from their places in the council.*

The oppressions of the past were in consequence renewed, and in some respects exceeded. By meddling in a private cause between the earls of Dumferline and Callender, Lauderdale provoked an appeal on the side of the injured party from a decision of the court of session to the authority of parliament; and by resenting this proceeding, which, though somewhat unusual, was strictly legal, he arrayed the great majority of the bar against him. The refractory advocates were threatened, harassed, and persecuted in various ways; but at length, by the appearance of yielding to a compromise, became in effect the victors.† The people of Edinburgh were a special object of jealousy. The city was denied the right of electing its own magistrates, and placed in the hands of one Ramsey, a tool of the duke's, as provost.‡ Nobles and gentlemen, known as the opponents of the minister, were driven from their homes one after another, and their residences converted at pleasure into garrisons for the suppression of con-

* Woodrow, i. 310—379. and App. 141—147. 346—362. Mackenzie, 188—193, 212—267. Burnet, ii. 19—22. 32—37, 44—47.

† Mackenzie, 267—272, 274—310. Burnet, i. 47, 48.

‡ Mackenzie, 310, *et seq.*

venticles. Persons suspected of disaffection found themselves exposed to fines or imprisonment on the most trivial and unjust pretences, and no form of perjury was too base to be admitted as the means of convicting such parties.*

In the train of these occurrences followed the practice of issuing forms of prosecution known but too well through Scotland in that age under the name of *letters of intercommuning*; by which accused parties, failing to make their appearance when summoned, were declared outlaws; and all persons who should minister relief to them, or hold any sort of intercourse with them, were made to be partakers of their offences. It is calculated that at this time there were not less than seventeen thousand persons whose attendance at conventicles or absence from church had brought the evils of persecution upon them in forms more or less oppressive.†

In all these measures the aim of Lauderdale was the gratification of a rapacious and ambitious temper; which he sought, by listening alternately to the king and the bishops;—presbyterianism being ever present to the one as the irreconcilable enemy of the throne, and to the other as not less opposed to the dignity and safety of the church. At this time, the great solicitude of the king, and particularly of the duke of York, was the command of an army sufficiently powerful to keep all popular disaffection at bay. With this view the pretext at present employed was the projected alliance with Holland against France; and the pretext desired was an insurrection in Scotland. Either of these events, it was thought, might be made to serve the objects of the court; but from both together, success upon a large scale was expected. That the fervid temper of the Scottish people might be goaded to the utmost, documents were issued by the government, under the title of “bonds of peace,” which required landlords to become responsible, not merely for their own families, but for those of their tenants, and made them accountable to the magistrate even for the servants, whether belonging to their own households or to those of persons renting their property, who should be convicted of holding intercourse with intercommuned persons, of attending conventicles, or of absenting themselves from the services of their parish church.

This monstrous stretch of tyranny was not to be submitted to, and the parties concerned not only refused to place themselves under the yoke prepared for them, but, while professing to lament the manifest increase

* Burnet, i. 104, 105, 127—134. Laing, ii. 66—68.

† Burnet, i. 104. Woodrow, i. 392, 416—418. These letters, after the example of the *Aqua et ignis interdictis* of the Roman law, concluded thus:—“We command and charge all our lieges and subjects that none presume to receive, supply, or intercommune with any of the foresaid our rebels, nor furnish them with meat, drink, house, harbour, or victuals, nor any other thing useful or comfortable to them; nor have intelligence with them by word, writing, message, or otherwise, under the pain of being reputed and esteemed act and part with them in the crime aforesaid, and to be pursued therefore with all rigour.”

of conventicles, ventured to suggest, that, so long as the persons frequenting such assemblies continued to meet and separate peaceably, the best method of dealing with the alleged evil would probably be to leave it to its course. This display of patriotic firmness and of political wisdom was interpreted as an act of rebellion. The west of Scotland, though without the slightest appearance of disorder, was declared to be in a state of open revolt; and, at the command of the king, a large body of English soldiers marched upon the devoted country; forces from Ireland landed, at the same time, on different points; and an army of six thousand Highlanders spread themselves, in the temper of a rude banditti, over the fairest portion of the kingdom. Those who still refused to enter into the proposed "bonds," were everywhere plundered and insulted. All men saw that the object of the government was to goad them into acts of violence, in order that their chains might be fastened upon them with some show of justice, and every one seemed to task his powers of endurance to the utmost, in the hope of defeating this pitiless device of the oppressor. Not only were these wrongs inflicted, all complaint under them was prohibited.*

It was in violation of this prohibition that a body of the Scottish nobility and gentry repaired to the court of England, resolved that the condition of their bleeding country should be known in that quarter. In the mean while the popular party in England spoke of the measures adopted in Scotland as those which, if unchecked, would of course be meted out in due time to England. In England, exclaimed Shaftesbury, popery is the intended harbinger of slavery; in Scotland, slavery is meant to prepare the way for popery. At length the complaints from Scotland, strengthened by more alarming appearances in England, so far prevailed, that Charles issued orders for the recal of the English and Irish regiments; the Highlanders returned, laden with spoil, to their native hills; and the recent measures were suspended.

The nobles and gentlemen from Scotland having laid their complaints before the king, Danby and the Duke of York laboured to defend the conduct of Lauderdale. In conclusion, the nobles were required to state their grievances in writing. This they professed themselves willing to do, but prayed for a promise of indemnity against the law of leasing-making, should their language admit of being interpreted as containing matter of accusation against any member of his majesty's privy council. This reasonable demand was not complied with, and the refusal sufficed to make these injured persons fully sensible of the snare which had been laid for them. Their declining, in these circumstances, to sign a statement of their grievances, was set forth by the king as evidence that their matters of complaint were too trivial to admit of their

Remonstrance
—its partial
success.

* Woodrow, i. 438—459. Burnet, ii. 135—138.

being committed to writing; and in a letter dated the next day, Charles expressed his unqualified approval of all that had been done by Lauderdale and his coadjutors. In the mean while the duke, availing himself of the absence of his opponents from Scotland, assembled a parliament in Edinburgh, which, by dint of treachery, threatenings, and bribes, proved subservient in all respects to his wishes. Five thousand additional troops were quartered on the people. In the west and south the soldiery converted private houses into garrisons, or roamed at large in search of conventicles, committing violence of every description with impunity. New functionaries, of the most arbitrary temper, were appointed to secure a more rigorous enforcement of the laws, and were stimulated in the exercise of their authority by the promise of half the amount exacted as fines. Thus, in the affairs of Scotland at that time, as in all similar proceedings, each step in the progress of tyranny increased the resentment of its victims; and the growing disaffection of the people was appealed to as demanding a constantly growing severity on the part of the government.*

This succession of measures had produced their natural effect, irritating the people almost to madness, when a memorable act of violence occurred, which placed the oppressors and the oppressed more than ever at issue. It has appeared that

Murder of
Archbishop
Sharp, May 3,
1679.

Sharp, who deserted his presbyterian brethren at the restoration, and who was afterwards raised to the archbishopric of St. Andrew's, became chargeable, from the time of his apostacy, with innumerable acts of perfidy and cruelty towards his former friends. He was a person of some capacity and acquirement, decent in his manners, and of great activity; but vain, treacherous, and revengeful, alternately the slave and the tyrant, according to the promptings of his selfish and cruel passions. He had done more than any other man towards rendering his country one of the most injured and unhappy in the history of modern Europe. It happened at this juncture that one Carmichael, a commissioner of the archbishop's, had made himself exceedingly odious among the people of Fife, by his cruelties toward them on the charge of frequenting conventicles. Women, children, and servants, it is said, were put to the torture by his orders, that they might be compelled to make known the concealment of their husbands, parents, and masters. Nine intercommuned persons, whose apprehension was sought by such means, met in their place of secrecy, and resolved to avenge themselves on Carmichael by seizing his person, and possibly putting him to death. Search was made for him near Magus Moor, a few miles distant from

* Sir George Mackenzie, Lord Advocate of Scotland, had a different method of looking at this matter. "Thus," he writes, "these fanatics wronged their country, not only in breaking the good old laws, but in occasioning the making of too severe new statutes"! History of Scotland, 190. Burnet, ii. 138—141. Woodrow, i. 449, *et seq.*

St. Andrew's, but in vain; and the fugitives were in the act of separating, when information reached them that the archbishop himself was approaching. By these injured and misguided men, the coming of the prelate at such a moment was interpreted as a call from heaven to execute judgment on the great delinquent, in the place of the commissioner. For this purpose they commenced their attack upon the chariot in the most desolate part of the moor. Several shots were fired into it without effect. They then forced open the door, and dragged the object of their resentment forth from the arms of his daughter to the ground. They reminded their trembling victim of the falsehood, perjury, and blood to be laid to his account; and, declaring they had no private ends to be answered by his death, but those of public justice only, they plunged their weapons into his body, heedless of the screams and entreaties of his daughter, and left him a corpse in the highway. No person, we presume, will attempt to justify this deed. Its effect on posterity has been to awaken sympathy in favour of a man who would otherwise have been regarded, by every just and humane mind, with an almost unmixed feeling of disgust.*

In Scotland the immediate effect of this transaction was a prohibition of the use of arms, and a proclamation which declared all armed conventicles treasonable. Graham of Claverhouse, afterwards Viscount Dundee, attacked a meeting of that description at Loudon-hill not many days after the

Battle of Loudon hill—in-surrection.

* Woodrow, ii. 28—33. Burnet, ii. 231—232. Hind let Loose, 153. Some years before this event, one Mitchell had shot at the archbishop. No means were found of detecting the culprit, but the suspicions of Sharp fell strongly upon him, on account of the manner in which the man had been accustomed to look at him as he passed. On this suspicion Mitchell was apprehended, and examined by the council; and in the total want of evidence to convict him, a promise of life was made to him, in the king's name, by Sharp and Lauderdale, to which the lords Rothes and Halton were parties, on condition of his confessing the crime. Confiding in these promises, Mitchell acknowledged his guilt; but alleged that the attempt had originated in his own private feeling, and that one person only, who was since dead, had been privy to it. The prisoner was placed in confinement at the Bass Rock, after some conference in the council about depriving him of his hands, or subjecting him to some such punishment short of life. Some time afterwards it was resolved to proceed against him capitally, and for this purpose Sharp and Lauderdale, together with the lords Rothes and Halton, concurred in denying that any promise of life had been made. The person who made the promise in behalf of Sharp deposed that he had so done; and the records of the council contained an entry to the same effect, a copy of which was produced in court by the noble-minded Lockhart, who appeared as advocate for the accused. But all availed nothing: Lauderdale would not suffer the council-book to be examined, and spoke in menacing language of persons who should presume to charge himself and his colleagues with the guilt of perjury. Accordingly, on the sole ground of his own confession so extorted, Mitchell was condemned to die. Before the time for executing this sentence arrived, Lauderdale began to hesitate about enforcing it, in consequence of some further evidence of his perfidy which had come to light. But Sharp objected that not to execute the sentence would be to show favour to an assassin, and to "expose his person to any man that would attempt to murder him." Lauderdale yielded, and Mitchell, in consequence, suffered death in the Grass Market at Edinburgh, "more pitied than could be imagined." Men talked anew of this affair, when they heard of the deed at Magus Moor. Burnet, ii. 129—134.

death of Sharp; but his dragoons were repulsed by the undisciplined prowess of the covenanters, who, alarmed probably as much as elated by their success, spread themselves rapidly over the country as far as Glasgow. Of the means employed to suppress this insurrection, we shall have to speak when we return to the affairs of England.

In Ireland, the first great measure consequent on the restoration was *Affairs of Ire.* the act of settlement, which related mainly to the adjustment of questions in regard to property. The proceeding next in importance to that measure was the passing of the act which gave complete ascendancy to the Protestant episcopal church, to the equal exclusion of the Catholic on the one hand, and of the Puritan on the other. The condition of Ireland had long been such as to render it unavoidable that measures of this nature should become the occasion of much disaffection and alarm. More than one plot to seize the castle of Dublin, and to force new measures upon the government, was detected. But, happily for Ireland, its viceroy was the opposite, in nearly all respects, of Lauderdale. The Duke of Ormond was a nobleman of fixed religious principles, just, generous, and humane. The course prescribed to him obliged him to lay his account with a large measure of hostility from the Catholics, and from the remains of the old Puritan and republican parties; but his vigilance and capacity were employed to diminish, and not to aggravate, the evils inseparable from his position.

He opposed himself strongly to a bill of the Oxford Parliament which, in 1665, prohibited the importation of Irish cattle into England on the plea that in the latter kingdom farm-rents had been diminishing in consequence for some years past. The lord-lieutenant, and the whole Irish people, made the most earnest remonstrance against this measure as alike impolitic and unjust. But the landed gentry in the English House of Commons had become so possessed with the notion that they were great sufferers from this cause, as to be incapable of exercising anything like calm consideration on the subject.*

Several years passed during which Ireland suffered greatly from this enactment. But England did not appear to have profited by it in any way. At length, it began to appear that the injured party would probably be the gainer by this proceeding. Prohibitory laws were extended to the wool, as well as to the cattle of Ireland; and in this policy the Scots followed the example of the English. But, through the influence of Ormond with the king, the Irish obtained permission to retaliate on the Scots, by prohibiting the importation of woollen and other articles from that country; and were privileged to trade freely with the nations of the continent, whether in a state of alliance with England or otherwise. In these circumstances, Ormond began to cultivate among the

* *Parl. Hist.* iv. 337, 338.

people of Ireland, what was then, and what, unhappily, is still, the great want of that kingdom—a greater attention to manufactures. His efforts in this respect were attended with the most encouraging success. Provisions were made for the comfortable settlement of many hundred artisan families, who were invited by Ormond from different parts of England, from France, the Netherlands, and other places; and a new prospect seemed to be opening on that long distracted and suffering country.*

In the midst of this honourable employment the duke was called to defend himself against the accusation of his enemies in the English court. His well-tryed loyalty, no less than his generous Ormond re- efforts in behalf of Ireland, had given him a powerful claim on the friendship of his sovereign. But the enemies of Clarendon were the enemies of Ormond; the same arts and importunity were resorted to in both cases; and Charles, after a feeble resistance, consented that the disgrace of the ex-chancellor of England should be followed by that of the viceroy of Ireland.†

Ormond was succeeded by lord Robarts, a nobleman whose integrity and honour disqualified him for serving the purposes of the cabal ministry, and who proved deficient in the ability necessary to sustain himself without the aid of that faction. He was soon succeeded by John lord Berkeley, of Stratton, a person in whom Buckingham expected to find much more subserviency, and the Catholics in both kingdoms a greater disposition to favour their interests. In these expectations no party was disappointed. The Irish Catholics were divided at that time into two violent factions—the remonstrants, and the anti-remonstrants; the former disowning all temporal power in the pope, the latter maintaining that doctrine. Of these parties the anti-remonstrants were the most powerful. They persecuted their opponents without mercy, depriving them of their cures and offices, excommunicating them, and compelling them, at the peril of their lives, to acknowledge the disputed dogma, or to become exiles. The sufferers appealed to the lord-lieutenant; but Berkeley, either from fear, or in consequence of secret instructions received from England, refused them a hearing; and at the same time added greatly to the alarm of the Protestants, by issuing orders which opened the trade of corporations to professed Catholics, and declared them eligible to hold commissions of the peace.

Emboldened by these appearances in Ireland, and still more by the known disposition of the duke of York, and of other persons high in station in England, Peter Talbot, created archbishop of Dublin by the pope, laid a statement of grievances from this party before the king and council. In this paper Talbot was empowered to say, in behalf of the

* Carte's Ormond, ii. 340—345.

† Ibid. ii. 356—374.

great body of the Irish Catholics, that, from the want of a just representation of their particular claims, their estates, in place of being the just award of their loyalty, had passed into the hands of usurpers. The petitioners, accordingly, prayed, that some impartial persons should be appointed to hear and report their greivances, and that in the mean time the king would suspend all further grants of land in Ireland. The tendency of this petition was to unsettle all that had been done on matters of property in that kingdom. Ormond opposed it to the utmost; the several classes of persons in Ireland, interested in the general question, sent petitions, all praying for a continuance of the present settlement; and the people of England, from the causes which had taught them to look with so much suspicion on everything like indulgence to popery, were so far roused to a sympathy with their protestant brethren in Ireland, that the ministry became alarmed, and, dreading the approaching session of parliament, endeavoured to shelter themselves by laying the blame of what had been done on lord Berkeley, and substituting the earl of Essex in his place.*

In the English parliament the question of Ireland was taken up with great warmth. In consequence of resolutions adopted in that assembly, the king issued a proclamation declaring his purpose to maintain the acts of settlement; and the public countenance which had been given in many ways to the Catholic interest under the late viceroy ceased. The policy of Essex appears to have been to preserve all things, upon the whole, on the old foundations. He was a nobleman of honest purpose, somewhat too jealous of his reputation, but strongly opposed to everything clandestine and irregular, from whatever quarter it might proceed.

While the new governor proceeded, not without difficulty, in the beaten course, Ormond, slighted by the king, and harassed by his enemies, acquitted himself in public affairs with great self-control and impartiality. He was constant in his attendance upon the king and at the council-board, and is said to have compared himself, on account of the little importance that seemed to be attached to his opinions, to an old clock cast into a corner; "and yet," he observed, "even this rusty machine points sometimes right." An old military associate, named Carey Dillon, solicited his aid in some suit, stating that he had no friend left beside God and the duke of Ormond. "Alas, poor Carey!" exclaimed the duke, "thou couldst not have named two friends of less interest, or less respected at court." He felt his disgrace, but paid no court to the king's mistresses; sought no revenge by intrigue or faction; and, in the end, it was found that this magnanimous conduct had given him a weight of character which no other policy could have secured.

* Carte's Ormond, ii. 413—430. Leland, iii. 457—466.

The blunt honesty, and sound constitutional feeling of Essex, soon made him very unacceptable to Charles, and to the duke of York; and the effect of time was to multiply rather than diminish the grounds of complaint against him among the people of Ireland. All men saw that a change was at hand; and Shaftesbury, the duchess of Portsmouth, and others, employed their influence with the king in favour of the duke of Monmouth as the new viceroy. The duke of York looked on this project with alarm; and, to preclude Monmouth from ascending to so powerful a position, he prevailed on the king to restore Ormond.*

Ormond restored, 1677, April.

Coincident with the restoration of the ex-vice-roy was the ferment in England connected with the popish plot, and it required all the moderation, firmness, and popularity of Ormond to preserve Ireland in a state of comparative tranquillity amidst so many causes tending to fill it with perplexity and terror. It would have been well if Ormond's public life had ended at this point. His part in the councils of England when Russell and Sydney perished on the scaffold affords sufficient proof that his loyalty was of that ill-regulated description, which, in times of difficulty, too often leaves but little room for the exercise of a truly enlightened sense of justice, patriotism, or humanity.

CHAPTER VII.

General state of affairs in May, 1679. Connexion between the affairs of Scotland and England—Monmouth sent to suppress the insurrection in Scotland—his conference with the Covenanters—battle of Bothwell Bridge—effect of the conference between the Scotch Nobility and the Government—triumph of Lauderdale—his cruelties. The Plot—trials and executions—Langhorn—Wakeman—change in the disposition of the judges. The Triumvirate—dissolution of Parliament—great excitement—illness of the King, alarm occasioned by it—return of the Duke of York—disgrace of Monmouth—the new Parliament prorogued for more than twelve months—violence of party-spirit—the Meal-Tub Plot—Essex and Halifax leave the Court—new Administration—its character—Robarts—Hyde—Sunderland—Godolphin—end of the Council formed by Sir William Temple—return of Monmouth—petition of seventeen Peers for the meeting of Parliament—origin of the Petitioners and Abhorrrers, and of the names Whig and Tory—story of the Black Box—Monmouth's progress—state of the Government—the Duke of York presented as a Recusant—further secret negotiations between Charles and Louis—Duke of York leaves the kingdom—meeting of Parliament—the Commons resume the question of the Succession—their proceedings against the Abhorrrers—the Exclusion Bill passes the Commons—is rejected in the Lords—the Commons refuse Supplies, address the King to remove Halifax, and impeach Seymour. Trial and execution of Lord Stafford. King's Speech to the Commons—Reply—Answer—Parliament prorogued and dissolved.

THE sudden prorogation of parliament, which took place on the twenty-sixth of May, 1679, filled the exclusionists with surprise and indignation. Shaftesbury declared that the heads of the men who advised that

* Carte's Ormond, ii. 451—461. Ralph, i. 374. Leland, iii. 470, 471. Burnet, ii. 101, 102.

measure should be the penalty of their treason. The duke of York and his partisans regarded the proceeding as highly favourable to their policy; and less interested persons were perplexed when it became known that the king, who had so lately bound himself to do nothing of moment without the concurrence of his council, had taken a step of so much consequence without the slightest mention of his purpose to that body. This independent course which Charles seemed about to assume, was the more alarming from the present state of the government and of the nation. Danby, who took office promising to relieve the king from his embarrassments, and to render him powerful at home and abroad, had been driven from his position without realising any portion of that pledge. At this moment the exchequer was empty; debts to the amount of more than forty thousand pounds remained to be liquidated; and, what was much more considerable, the revenue of the country, for more than the next twelvemonths, had been anticipated by sums raised upon it. Servants in all the public offices clamoured for pay; and the national stores, which two years before were much greater than had been laid up for a long time previously, were so diminished, in consequence of large supplies sent to France, that the arms in the Tower did not exceed six hundred; the garrisons through the kingdom were all out of repair, and the guns dismounted; while the court, the army, and the nation were divided into two desperate factions, the one prepared to bow to almost any yoke it might be the pleasure of the crown to impose, the other ready to push its measures in favour of popular liberty almost beyond the line which separates the lawful from the forbidden ground. It was, accordingly, with strong feelings of discontent and apprehension that the popular members withdrew from the capital after the prorogation, and made their appearance among their respective constituencies in the country.*

The prorogation, we have seen, took place on the twenty-sixth of May. The success of the covenanters at Loudon-hill against the king's troops under Claverhouse was on the first of June. It was natural, in the present posture of affairs, that the leaders of the popular party in England should look with interest on almost any occurrence which tended to multiply the difficulties of their opponents; but there is no evidence, after all that has been written on that subject, that the insurrection which spread so rapidly from Loudon-hill to Glasgow, was the result, in any degree, of concert with the liberal party in England. The news of such an event could not have occasioned surprise to persons of discernment at all acquainted with the government of Scotland. Men of sense in both nations had no doubt conjectured that the time was probably at

* Reresby, 93, 94.

hand when the oppressed in the two kingdoms might judge it necessary to combine for the protection of their common liberties. But speculations of this nature had not hitherto ripened into any project or conference with a view to such objects.*

From this time, however, the existence of a strong sympathy between the two parties became sufficiently manifest. The use which lord Russell, Shaftesbury, and their adherents, endeavoured to make of the disturbance in Scotland, was the accomplishment of their long-cherished purpose—the removal of Lauderdale; and Hamilton, with others of the Scotch nobility who were at this time in London, offered to restore tranquillity to their distracted country without the shedding of blood, if the king would invest them with authority for that purpose. But the enemies of Lauderdale were not more bent on his removal than was the king on retaining his services.

As a middle course, the command of the force to be employed against the insurgents was given to the duke of Monmouth. Monmouth Shaftesbury was well aware that whatever credit might be sent to quell gained by the duke in this enterprise would be so much the insurrection in Scotland. advantage secured by the party adhering to him; but he nevertheless laboured to produce delay, by maintaining that it was not lawful for the king to employ forces from England to subdue an insurrection in Scotland, appealing for this purpose to acts passed on the subject of the relations subsisting between the two kingdoms during the reign of James I. and of his successor. Lord Cavendish, lord Grey of Wark, and several other persons of consideration, spoke of the objection put forth by Shaftesbury as valid, and refused the military obedience required of them on that ground.

But the sudden departure of the duke to Scotland, in virtue of the king's commission, put an end to this difficulty, and nothing remained but to see that the commission itself was so framed as to afford the commander opportunity of securing the attachment of the suffering people by a display of his moderation. It was accordingly concluded at a meeting of the council, and without a dissentient voice, that the duke should be empowered to treat with the "deluded miserables," instead of proceeding at once to extremities. But Lauderdale followed the king from the council-table to his bedchamber, and there inquired if it was his majesty's intention to involve himself in the same fate with his father, adding, that such an issue was the only natural result of the half-measures which had been that morning adopted. Charles asked with some sharpness why this warning had not been given in the council. The duke replied, "Were not your enemies in the room?" The consequence of this interference was, that the commission agreed upon in council was cancelled by the sole authority of the king, and another was privately sent, which

* Ralph, i. 459—461. Laing, ii. 84—86.

was to be opened in a council of war only, and not until the enemy should be in sight.*

The duke left London on the fifteenth of June, reached Edinburgh on the eighteenth, and placing himself immediately at the head of the forces came within sight of the enemy at Bothwell Bridge early in the morning of the twenty-second. The insurgents were seen on the opposite bank of the Clyde, and in their manner of barricading the bridge, and selecting their position, gave proof that their leaders were men of some military skill. On the approach of the duke they sent a messenger to request a safe conduct for some of their number, whom they were anxious to depute for the purpose of stating their grievances and making known their desires. This request was complied with. The deputation consisted of David Hume, one of their preachers, and another person, whose name is not mentioned. Hume began by stating that his friends were desirous of a conference, as they had heard that his grace was mercifully disposed towards them, and possessed of power to diminish the burden of their sufferings. The duke expressed his wish to avoid the shedding of blood, and his willingness to hear their proposals. Hume then read a paper containing "the humble supplication" of his brethren, in which, having adverted to the many wrongs that had been inflicted upon them, such as had long made death preferable to life, they besought that, through his grace's favour and authority, measures might be taken for the speedy and effectual redress of such evils, and the restoration of peace to the nation. By this time the duke, and the officers about him, were acquainted with the tenor of the king's second commission as suggested by Lauderdale; and, whatever his private inclination might have been, Monmouth had now but one course to pursue. He spoke, accordingly, of the paper which had been read, as a libel on the person and government of the king; of his having listened to it to the end as being no small proof of his clemency; and concluded by stating, that he had only one proposal to make, which was, that the authors of the "supplication" should immediately lay down their arms, and submit themselves to his majesty's mercy. Hume at once replied, that compliance with such terms was impossible, as it would be in effect to lay their heads upon the block. Monmouth bid him look to the force spread out before him, and demanded if such a sight was not enough to beget other thoughts. Hume, in his turn, pointed to the insurgents, and said, "Every man there will die in the place where he stands in defence of the covenant." To this his grace replied, that a few minutes should decide that point. The other deputy now spoke; he besought a cessation of arms for a single day, at last for a quarter of an hour only, but in vain. The force under the command

* Ralph, i. 461, 462. North's Examen. 80—82.

of the duke consisted of ten thousand men; the undisciplined body opposed to him did not amount to half that number.*

Monmouth commanded his artillery to ascend a piece of elevated ground opposite the bridge, and made the several dispositions necessary for opening the attack. The battle commenced with a brisk discharge of the duke's cannon on the body posted for the defence of the bridge. That body was commanded by Hackstoun of Rathillat, one of the nine persons who had inflicted their vengeance on archbishop Sharp. The fire commenced by the party under Hackstoun on the spot occupied by the enemy's artillery, was for some time so effective, that the gunners were all nearly driven from their post, and nothing but the odds arrayed against them in other directions could have prevented the covenanters from becoming masters of that part of the field. But their ammunition began to fail; the enemy succeeded in throwing up a trench for protection; and when the second charge commenced, Hamilton, a preacher, who had assumed the command, ordered Hackstoun to retire to the main body. Some of the king's troops immediately passed the bridge, and, elated with their success, ascended rapidly the rising ground, where the covenanters, waiting their approach, charged upon them with so much effect, that they retreated in great disorder to the bridge, sheltering themselves as they could in the houses of the neighbourhood. But the duke soon came to the aid of the fugitives, and the insurgents, in their turn, retreated as far as Hamilton Heath, about a quarter of a mile distant. At that point they again placed themselves in order of battle, and, in renewing the charge, gave proofs of their skill and prowess by dispersing a strong body of Highlanders appointed to receive their onset; and it appeared probable, at this moment, that the boast of the intrepid David Hume would be realised, and every insurgent be found to sell his life as dearly as he might in the cause of the covenant. But the fire of the duke's artillery added greatly to his advantage of numbers; more than four hundred of the covenanters were soon swept away; their cavalry also were too little disciplined to avail them; flight in consequence became general. The greater part escaped, but about twelve hundred surrendered at discretion, and were saved from the sword by the humanity of Monmouth. This part of the duke's conduct called forth the warmest expressions of gratitude from the prisoners and their friends, who had been too little accustomed to such displays of clemency on the part of men in power; but the duke of York is said to have censured the proceeding, as a bait thrown out to catch popularity; and Charles himself is reported to have said, that, had he been there, he would not have burdened himself with the care of prisoners.†

* Ralph, i. 463. *Exact Relation*, &c. Somers's Tracts, vol xx.

† Laing, ii. 92—94. Ralph, i. 464. Reresby says, "Sir Thomas Armstrong was with the duke, and told me the king had heard some falsehoods concerning him, and had in all haste sent for him out of Scotland. And indeed it happened to be understood that after his victory he was about to lay a foundation whereon to suc-

Charles, however, received Monmouth cordially; and in consequence of his representing that the severe proceedings instituted against religious meetings in houses had been the occasion of multiplying field conventicles, and of rendering them dangerous, the king granted an indemnity for the past, and some indulgence for the future. It is not often that insurrection, when confined to the humbler classes, leads to amelioration; its effect, too commonly, is of an opposite description; and even in this case the promise was not followed by the performance. Lauderdale's influence over the affairs of Scotland continued undiminished, and he contrived to render both the indemnity and the indulgence pledged by the king of small effect; while Monmouth, losing the royal favour, as he did soon afterwards, became powerless in such matters.*

When the news from Bothwell Bridge reached London, it gave a new Conference completion to the pending conference between the Scotch nobility and his majesty's council. That these deliberations might be brought to a speedy conclusion, Charles now declared that there were certain points on which he would not suffer any debate or questioning to arise. As it pertained to the crown to dispose of offices, to prevent conspiracies, and to suppress insurrections, it must, he maintained, belong to the crown to incapacitate individuals from public trusts, to imprison suspected persons, and to raise, quarter, and employ troops at discretion; nor would he suffer his prerogative to be impeached in those particulars. Lockhart, the counsel for the Scottish nobles, ventured to declare that these strange assumptions were not only contrary to the law of Scotland, but to the manifest design of all government. All that could be urged in favour of Lauderdale's barbarous administration, which treated the whole country as if in a state of open and constant revolt, was, that the field-meetings had been described by an act of parliament as rendezvous of rebellion. The earl of Essex and the marquis of Halifax declared that the heavy complaints brought against Lauderdale had been fully proved; and Charles himself acknowledged that the duke had done many things against the people of Scotland, but added, "I see not that he has done anything against my service;" and on this ground Lauderdale was acquitted, and continued in his ascendancy. When a king can thus separate his own interest from the interest of his kingdom, the relations of justice between himself and his people are virtually dissolved.†

ceed in that kingdom, and by the industry of his agents make himself popular."—P. 97. "Then followed the slaughter of the peasants at Bothwell Bridge, which was stopped by the duke of Monmouth, who, having used much clemency in his victory, was, on his return to England, censured by the duke of York's friends, and the rest of his enemies, in their invidious discourses, as a favourer of the rebels." Cunningham's *History of Great Britain*, i. 44. Burnet adds the particulars concerning the language of the duke and the king, ii. 235, 236.

* Ibid ii. 237.

† Ralph, i. 464, 465. Woodrow, ii. 102—107. Somers's Tracts, vii. 195—200. Burnet's words are, "When May, the master of the privy purse, asked the king, in his familiar way, what he thought now of his Lauderdale, he answered, as May

Lauderdale and his friends, thus reinstated, substituted confiscation and revenge in the place of indemnity and indulgence. Cruelties of
Two field-preachers, King and Kid, were executed at Edin- Lauderdale.
burgh. Five others were put to death on Magus Moor, to expiate the murder of archbishop Sharp, though it was certain that these unhappy men were no parties to that deed. The twelve hundred prisoners taken at Bothwell were exposed in the Grey Friars' churchyard at Edinburgh, without covering, from June to December. Some were at length enlarged, on their giving heavy and humiliating securities; and hundreds of the less manageable were shipped as convicts to the colonial plantations. Proceedings were instituted in all places against the suspected; and the army and the government derived large emolument and support from the forfeitures imposed—the most active informers in such cases being the episcopal clergy.*

While Scotland groaned under this long-protracted tyranny, England continued to be agitated by the prosecutions connected with the popish plot. Bedloe and Oates were still deemed credible witnesses. On the thirteenth of June in the pre- The Plot—
sent year, five jesuits, named White, Fenwick, Harcourt, trial and exe-
Gavan, and Turner were put on their trial at the Old Bailey, on the cution of the
charge of having been parties in a consultation to kill the king. On this five jesuits.
occasion the evidence of Oates and Bedloe was reinforced by that of Prance, and of a person named Dugdale. In the course of his evidence Oates swore that he had seen Ireland—a person indicted before with Grove and Pickering—on some day between the eighth and twelfth of August in London. But evidence was given, by a number of persons of credit and character, that Ireland was not in London from the third of August to the second of September. Fourteen witnesses appeared from St. Omers, who swore that Oates was in that place at the time when he had described himself as present at the alleged consultation in London. Oates had been apprised that such depositions would be made, and produced seven or eight persons to depose the contrary. The court felt no hesitation in deciding between the probable veracity of the protestant and the catholic witnesses: all were convicted, Harcourt, on the evidence of Dugdale, of being a party to the death of sir Edmund-bury Godfrey; and all suffered, attesting their innocence with their last breath.

The conviction of these persons was on the thirteenth of June, and the next day a person named Langhorn was placed at the Langhorn.
bar. The charge against him was of being a party in the consultation to take away the life of the king, and of being engaged in various ways in the great project to place the government of England in

himself told me, that they (the Scots) had objected many damned things that he had done against *them*, but there was nothing objected that was against *his* service," ii. 229—231.

* Woodrow, ii. 70—10. Burnet, ii, 236, 237.

the hands of the catholics. Here also, the principal witnesses were Oates and Bedloe, whose testimony, in several particulars, was clearly false, and in others was contradicted by the opposite testimony of catholics. Thus Oates described the alleged meeting of the conspirators as including fifty persons, and as taking place in a room that could not have been made to contain a third of that number. He further described the handwriting of Coleman as fine and small, which was the reverse of the fact. But the prevailing excitement and prejudice suggested excuses for these inaccuracies; and with regard to the oaths of catholics, they were everywhere accounted as of small weight, when opposed, on such matters, to those of protestants. Langhorn, accordingly, was declared guilty, and the verdict of the jury was hailed with loud acclamations by the people. The prisoner, who had defended himself throughout with much sagacity, betrayed no surprise or resentment when exposed to this display of the inhumanity which is so commonly allied with bigotry. Langhorn suffered on the fourteenth of the ensuing month, and left a paper in his prison in which he not only declared his innocence, but gave expression to much dignified and Christian feeling.

The trial of Langhorn was followed by that of Wakeman, the queen's Wakeman—physician, and that of three catholic priests, named Cork, change in the disposition of Marsh, and Rumley. It has appeared that the charge of the judges. against Wakeman was, of consenting to receive the sum of July 18. fifteen thousand pounds as the price of administering poison to the king. Oates and Bedloe stated a number of particulars to that effect, and to the effect that the queen was acquainted with this project. The evidence of the witnesses on this occasion included the usual portion of falsehood and contradiction; and it was also found that Scroggs, the lord chief justice, and the whole court, had, from some cause, become less disposed than in preceding trials to pass over these suspicious appearances. This was particularly manifest when Scroggs submitted the evidence to the jury, and the result was, that not only Wakeman, but the three catholic priests also, were acquitted. By this time, experience had done something toward diminishing the credit of the sort of testimony on which these prosecutions rested; and signs were not wanting of an approaching change in the condition of the great political party which had been for some time ascendant, and had profited most by this memorable delusion. The manner, too, in which the queen's name was implicated in this proceeding, might have been expected to make it a case of exception.

Oates perceived this change in the course of the trial; and possessed sufficient effrontery to charge the chief justice with partiality, and his majesty's council with a want of zeal in regard to the protestant religion and the public interests. The more zealous abettors of the plot sympathised with this insolence. In the common talk, and in some printed

publications, Scroggs and the jury were said to have been bribed with large sums by the catholics and the court. Encouraged by these appearances, Oates and Bedloe preferred a charge of high misdemeanour against the chief justice, in thirteen articles, to be laid before the king and council. According to these articles, Scroggs had displayed his partiality in a number of instances, both in his rigour and in his lenity, and especially in his attempt to disparage the king's witnesses during the trial of Wakeman. Scroggs was a person of low origin, of dissolute habits, and appears to have been always governed by selfish principles; but he was a shrewd, bold man, of comely presence, a ready wit, and considerable address. Of course there was little difficulty in meeting the charges now brought against him; and, after a patient hearing, he was left to deal with his accusers as the law should provide.*

The king was supposed to be governed at this time by Halifax, Essex, and Sunderland, who, in the language of parties, were known by the name of the Triumvirate. These noblemen ^{The Triumvirate.} had recently broken friendship with Shaftesbury and Monmouth; and, as the only means of placing an effectual check on the influence of the former, had agreed in advising the late prorogation of parliament. Shaftesbury denounced their conduct as a selfish abandonment of the national interest; while, on their part, the ambition of their accuser was declared to be such, that nothing less than a complete control both of the court and the country would ever satisfy him. Parliament had been prorogued to the fourteenth of August, and the time was now at hand when it should be reassembled. Shaftesbury, whose powers of mischief made him an object of constant apprehension in the lords, ruled almost without restraint in the commons; and his first object, on the meeting of the two houses, would be to direct the vengeance of the commons against the advisers of the prorogation, and to put a speedy termination to their court ascendancy.

Sir William Temple concurred with the triumvirate in the opinion that nothing but evil could be expected from assembling the present house of commons; and that, all things ^{Parliament dissolved.} considered, the less dangerous policy would be that the prorogation should be followed by an immediate dissolution. The king approved of this advice; and in hope of providing in some measure against the loud complaints which such a proceeding would certainly call forth, it was resolved that an effort should be made to obtain the sanction of the council. For this purpose, the four persons who were alone acquainted with the project undertook to prevail on the greater part of their colleagues to concur with the proposal before coming to the meeting. But the council, from some unknown cause, was suffered to meet on the appointed day without being led even to suspect that any such measure would be propounded. When the question was introduced

* Ralph. i. 465—471.

by the king, the persons who were not in the secret looked upon each other for some time in astonishment and silence; at length all spoke, and spoke decidedly against a dissolution. Charles met this difficulty with firmness. He declared that he saw much more reason to expect a moderate and pacific temper from a new parliament than from the present; and upon his own responsibility, gave instructions to the lord chancellor to draw up a proclamation for dissolving the present parliament and convening another. The council then separated with manifest feelings of dissatisfaction, which were especially displayed by lord Russell, and by Shaftesbury, who still acted as president.*

The issuing of this proclamation occasioned great excitement in all parts of the kingdom. The censure of Danby had become moderate compared with the resentment which was now directed against the triumvirate; and every appliance of party zeal was put into the most vigorous requisition on both sides in prospect of the approaching elections. The most inflammatory pamphlets were published by persons belonging to the two great parties; and the most extreme principles were openly avowed.†

During these excitements Charles withdrew from the neighbourhood of the city to Windsor, where he happened to take a slight cold, which was followed by a considerable fever. The apprehension that the indisposition of the king might prove fatal spread rapidly; and such was the effect of this occurrence, that, according to Sir William Temple, all men seemed to regard the probable death of the monarch as an event hardly less calamitous than the end of the world. "The minds of men," said Algernon Sidney, "were more disturbed than I ever remember to have seen them, so that there was no extremity of disorder to be imagined into which the nation might not have fallen had the king died, or that was not to be dreaded even in case of a relapse."‡ So valuable may a single life become, not because of the good which it confers, but purely on account of the evil which its continuance may prevent.

* Ralph. i. 472, 473. Burnet ii. 228, 229.

† The most notorious of the publications which appeared at this time was one intitled, "An Appeal from the Country to the City." It openly advocated the pretensions of the duke of Monmouth; and, among other grounds, upon the plea that "the worst title always makes the best king." Some papers purported to set forth the sentiments of the nonconformists; others claimed to express the voice of the church; and most of them were bold and violent, making their appeal to the worst prejudices and passions engendered by party zeal. See extracts from them in Ralph, i. 473—477. Burnet, ii. 238, 239. "Now, the hatred between lord Halifax and the earl of Shaftesbury broke out into many violent and indecent instances. On lord Shaftesbury's side more anger appeared, and more contempt on lord Halifax's. Lord Essex saw how he was cried out against for his last advice (to dissolve the parliament), but said to me he knew he was good at bottom, and that good intentions would discover themselves and be justified by all in conclusion."—Ibid. ii. 229.

‡ Temple's Memoirs, iii. 342. Sidney's Letters, 143.

While these fears prevailed, the eyes of Shaftesbury, and of a considerable portion of the party who acted with him, were directed toward the duke of Monmouth—the perilous struggle on the vital matter of the succession being regarded as at hand. The duke himself, strong in the majority of the commons, in a minority both in the upper house and in the council, and not less so in his command of the military, regarded the moment as highly favourable to the assertion of his pretensions, and made little or no secret of his intentions and hopes. The duke of York was in exile; a bill to exclude him from the throne had obtained large suffrage from the legislature, and was in every man's hands; and no person could speak in his favour without exposing himself to the charge of abetting the grand popish conspiracy against the religion and liberties of the realm. But on the other hand, Halifax, Essex, and Sunderland, had become the persons of greatest influence with the king, at the cost of incurring the resentment of Shaftesbury, of Monmouth, and of their whole party. It was their interest, accordingly, to turn the scale, if possible, more in favour of James: and they in consequence persuaded the king, during his illness, to despatch a private messenger to the duke of York, commanding his presence immediately in England.

This proceeding was managed with the greatest secrecy, and the duke made his appearance in the apartments at Windsor, while his opponents were without the least suspicion of his having left his residence at Brussels. Even Sir William Temple was not acquainted with this step; and it was arranged between the king and the triumvirate that the duke should be understood to have come on his own responsibility, and that he should be received with all the appearance of surprise; which was done so much to the life, that Sir William never suspected the real state of the affair, and in a subsequent conference with the duke, was at much pains to remove his supposed prejudices against Halifax and Essex, by assuring him of their great attachment to his interests.

The return of the duke filled Shaftesbury and Monmouth with apprehension and displeasure. In the court and the city the two parties practised with the greatest eagerness against each other. But it was not long before the turn of the balance became visible. The duke of York appeared at Windsor on the second of September; by the twelfth he had acquired so much influence over the king that Monmouth was deprived of his command in the army; and in less than a fortnight from that time was on his way to Holland, having received command from his Majesty to leave the kingdom. So fallen indeed were the hopes which he had entertained with so much confidence only a few weeks before, that he deemed it prudent to obtain a formal pardon from the king, concerning such matters of his past conduct as might possibly be brought against him on a future day. Soon

Return of the
duke of York.

Disgrace of
Monmouth.

afterwards the Court Gazette announced that the future residence of the duke of York would be in Scotland. The conduct of his royal highness, in thus withdrawing himself from the society of the king, and from his place in the English court, proceeded, according to his friends, from a deference to the prejudice and clamour of his enemies, and was a most commendable display of moderation. But the opponents of the duke spoke of his decision in this particular as a politic manœuvre, by which he hoped to make himself strong in one kingdom, that he might be capable, at the fitting time, of forcing his way to the possession of another.*

The great reliance of this last party was on the expected meeting of the new parliament, the majority of the commons being still pledged supporters of the Exclusion Bill; and it was not until measures had been taken to disappoint that expectation that the removal of the duke to Scotland was determined. At a meeting of the council, the king said, that, on grounds which he could not then explain, he found it necessary to extend the prorogation of parliament to a longer period than he had designed; that he had well considered the consequences of the measure he was about to announce, and would hear nothing against it—which was, that the parliament should be prorogued until that time twelvemonth. The majority of the council heard this communication with the greatest surprise: several rose to object; but all were given to understand, that their presence there on that day was to obey, and not to advise. The day following, Shaftesbury was dismissed from his place as president of the council. This proceeding sufficiently indicated the policy of the king and of his principal advisers. But that the indignation of the people might not become unmanageable, the prorogation of the parliament, announced by proclamation, was not for twelve months, but from one short interval to another.†

Parties are never more inveterate than when formidable in numbers and very nearly balanced; and this was manifestly the position of the exclusionists and their opponents at the present moment. The duke of York was powerful from his hereditary pretensions, his connexion with Scotland, and the favour of the king. But all these advantages were so nicely counterbalanced by the feeling of the people of England, as set forth in the character of the men whom they had returned to the new house of commons, that it was difficult to say on which side the scale really turned. Hence, there never was a period perhaps in English history when party misrepresentation was more prevalent or unprincipled. All public occurrences, however trivial, which might be made to bear, by any possible construction, upon the existing controversies, were seized upon with the utmost

* Ralph, i. 478, 479. Reresby, 97—99. Temple's Memoirs, iii. 343.

† Ibid. iii. 346. Burnet, ii. 228, 229.

eagerness, and employed to that end. Consideration, candour, charity seemed to be unknown. Were we to credit the imputations which each of the two great parties cast upon the other, the conclusion would be, that both consisted of the most desperate men, altogether out of place in any country retaining the slightest vestige of order, liberty, or religion.*

Until the trial of Wakeman, the plot had been urged forward by the whole nation; but from that time the court party endeavoured to bring it into general discredit. The time, indeed, ^{The Meal-tub Plot.} soon came, in which it was judged politic, that the plot so long imputed to the catholics, should be opposed by another said to have been contrived by the presbyterians. A man named Willoughby, or Dangerfield, a person of infamous character and a friend of Bedloe, had been released from prison by a midwife named Mrs. Cellier, and by means of money which Mrs. Cellier obtained for that purpose from lady Powis. Both these ladies were zealous catholics; and Dangerfield interested their prejudices, by assuring them that he possessed an intimate knowledge of a plot which was in progress among the presbyterians; adding that he had himself recently become a catholic, and that he was resolved to employ himself to the best of his ability in serving the adherents of the ancient faith. For the better conducting of his projects, he had managed to form some acquaintance with a few unimportant persons in the several parties of the time. Among the persons to whom he became thus known was colonel Mansel; in whose bedchamber he lodged a treasonable paper, which he contrived himself to discover, on a

* Mention is made in the various publications of the time of several political clubs which existed in different parts of the city. The following description of one of these fraternities should be read bearing in mind that it comes from an unscrupulous and bitter adversary. "The gentlemen of that worthy society held their evening sessions continually at the King's Head Tavern, over against the Inner-Temple gate; but, upon occasion of the signal of a green ribbon agreed to be worn in their hats in the days of street engagements, they were called also the Green Ribbon Club. Their seat was in a sort of carfour at Chancery-lane end, a centre of business and company, most proper for such anglers of fools. The house was double-balconied in the front, as may yet be seen, for the clubsters to issue forth in fresco, with hats and no perruques, pipes in their mouths, merry faces, and dilated throats, for vocal encouragement of the canaglio below, at bonfires on usual and unusual occasions.

"The resolves of the more retired councils and ministry of the faction were brought in here, and orally insinuated to the company, whether it were lies or defamations, projects, &c., and so, like water diffused, spread all over the town, whereby that which was digested at the clubs over-night, was like nourishment at every assembly, male and female, the next day; and thus the young boys tasted of political administration, and took themselves for notable counsellors.

"The pastime of this meeting, called The Club, was very engaging to young gentlemen; and one who had once tasted the conversation, could scarce ever quit it; for some or other were continually coming and going to import or export news and stories. There it was known, in half an hour, what any member said at the committee of elections, or in the house, if it sate late; and every post conveyed the news and tales legitimated there; as also the malign constructions of all the good actions of the government, especially to places where elections were depending, to shape men's characters into fit qualifications to be chosen or rejected." Examen.

pretended search, with some officers of the revenue, for prohibited goods. Some days afterwards, another document, setting forth the proceedings of another treasonable confederacy, was found by Sir William Waller in Mrs. Cellier's house, concealed in a meal-tub. From this circumstance the whole intrigue derived its name as the Meal-tub Plot. But by this time it was ascertained that Dangerfield had been in conference with the duke of York and with the king, from both of whom he had received money, on account of his supposed disclosures concerning the alleged plot among the presbyterians. The court and the opposition soon found equal cause to be ashamed of him, and each endeavoured to represent him as an agent of their opponents; and enough had occurred to make it probable, that his design in his various intrigues was to betray either party, or both, as might be deemed most convenient. In the end it was discovered that the informer had been convicted of so many crimes, as to be incapacitated by law from giving evidence in any court of justice. Of the encouragement given to him by lady Powis and Mrs. Cellier, and by the duke and the king, there was sufficient evidence; but his acquaintance with Shaftesbury and his party could only be inferred from two letters of no interest, which had been addressed to that nobleman, and which by some means had found their way into the hands of Dangerfield.*

We have seen that the services of the new council were almost wholly superseded by the superior influence of four of its members
Essex and
Halifax leave the court. —Sir William Temple and the triumvirate. These persons governed the council, and it was the ambition of Shaftesbury and Monmouth to govern them. We have marked the result. But now the triumvirate itself was about to be dissolved. Essex resigned his office as treasurer. He complained of the duke of York, as having violated his promise of doing nothing without his advice; and spoke, moreover, of having reason to suspect that there were designs in that quarter on the matter of religion, to which he could be no party. Halifax, also, was so little satisfied, that he withdrew from the court, and writing to Sir William Temple from his seat in the north of England, his lordship stated that he had resolved to spend the remainder of his days in planting carrots and cucumbers, rather than burden himself again with the cares of public life. Charles observed on this occasion, that they both hung after something which he once hoped they had forgotten—meaning probably that they still discovered some solicitude to preserve the protestantism of the English church, and the freedom of the civil constitution.†

* Burnet, ii. 240, 241. North's Examen, 256—271. Ralph, i. 480—483.

† Life of James, i. 581. Evelyn observes of Lord Essex—"He is a sober, wise, judicious, and pondering person, not illiterate beyond the rate of most noblemen in this age, very well versed in English history and affairs, industrious, frugal, methodical, and every way accomplished." i. 487. See the character of Essex in Burnet, ii. 99—102.

Halifax was a person of much more flexible principles than Essex. After a short interval of disgust he returned to the council, and became, as we shall see, much too subservient to the pleasure of the king. Lord Robarts, now lord Radnor, succeeded to the office of Shaftesbury. But the management of affairs rested mainly with the earl of Sunderland, with Mr. Lawrence Hyde, and Mr. Godolphin.

Robarts was a man of virtue, but of moderate abilities, of a sullen temper, and awkward and forbidding in his deportment. Lawrence Hyde, afterwards Earl of Rochester, was one of the younger sons of the Earl of Clarendon. He is described by a notorious advocate of the party with which he was connected, as a person of plodding industrious habits in matters of account. "His infirmities," says the same authority, "were passion, in which he would swear like a cutter, and indulging in wine. But his party was that of the church of England, of whom he had the honour for many years to be counted the head."* He was a fluent speaker, and is said to have possessed some part of his father's talents as a writer. From his father he derived his opinions on government, and these concurred with the impetuosity of his temper in prompting him to rigorous measures. He would gladly have confined every function of the state to men of his own political creed, comparatively heedless of their qualifications in other respects. It was his connexions, and neither his capacity, nor his virtues, which gave him the position he now occupied. He was the uncle, it will be remembered, of the princesses Mary and Anne.†

The father of the earl of Sunderland fell in the royal army at the battle of Newbury. Sunderland himself "was early employed in diplomatic missions, where he acquired political knowledge, insinuating address, and polished manners which are learnt in that school, together with the subtlety, dissimulation, flexibility of principle, indifference on questions of constitutional policy, and impatience of the restraints of popular government, which have been sometimes contracted by English ambassadors in the course of a long intercourse with the ministers of absolute princes. A faint and superficial preference of the general principles of civil liberty was blended, in a manner not altogether unusual, with his diplomatic vices."‡ His vote in favour of the Exclusion Bill had led to his removal from the late administration. But negligence and profusion never ceased to place him among the necessitous, and his political course was always dictated by his wants, much more than by his ambition, or by the degree of patriotic feeling which sometimes appeared to gain an influence over him. Hence the duke of York, who had always treated him with some kindness and confidence, found little difficulty in securing his services; and, with the aid of the duchess of Portsmouth, the king was soon reconciled

* North's Examen, 230. † Mackintosh's History of the Revolution in 1688-9.

‡ Ibid.

to a person whose pliant temper and polished manners gave so much of the agreeable to his society, while his knowledge of foreign affairs, and his skill in managing them, contributed no less to render him useful. The administration in which from this time he retained a place, became chargeable with many acts of injustice and cruelty. Sunderland was never a party to such measures from choice, but he scrupled not to share in their responsibility when urged on the plea of necessity, and as the only means of preserving his power. He was much too indolent to be fond of complex and lengthened intrigue, and always cherished a sufficient sense of honour not to betray the secrets of his friends: in short, he was in all respects one of that class of persons who contrive to "creep through stormy revolutions without being crushed by them;"* and who are sometimes called to perform actions much more interesting on account of the consequences they involve, than from the motives in which they originate.

The same mixed views and sympathies on constitutional questions which characterised the mind and policy of Sunderland, Godolphin. were observable in Mr. (afterwards lord) Godolphin, a gentleman who had grown up in the circles of the court, and is said to have excelled in all its arts and entertainments. He was an expert gamester, possessed an extraordinary skill in unravelling an intricate subject, and generally acquitted himself well in matters which demanded reserve, caution, and an intimate acquaintance with court politics. Like Sunderland, he had voted in favour of the Exclusion Bill, but was easily induced to accept of office on other conditions in the present altered aspect of parties. His influence in regard to the more public questions of the times was never considerable; but, by limiting his attention almost entirely to the particular duties of his office, he succeeded in holding his position amidst the constant agitation and change of the period.†

Such were the persons most in the confidence of the king and of the duke of York, after the retirement of Essex, which put an end to the ascendancy of the triumvirate, and after the removal of Shaftesbury from his place as president of the council. One of the first measures of the king, in connexion with this newly-modelled cabinet, was to declare, by proclamation, that the meeting of the new parliament, which,

* Mackintosh's Revolution.

† North's Examen. Mackintosh's Revolution, 10, 11. Burnet says, "He was, perhaps, the most silent and modest man that was ever bred in a court." His taciturn habit sometimes exposed him to suspicion; and one reason assigned by him for his attachment to gaming was, that "it delivered him from the obligation to talk much. All things being laid together, he was one of the worthiest and wisest men that has been employed in our time; and he has had much of the confidence of four of our succeeding princes." Charles was accustomed to say of him, what might have been said of him to the end of his days, that he was "never in the way, nor out of the way." In general he evinced little of that concern to please other persons which he always manifested to please the reigning prince. Burnet, ii. 245, 246.

according to the late prorogation, should occur on the twenty-sixth of January, would be postponed to the following April, with the understanding that a further prorogation would then take place, unless the circumstances of the allies of Great Britain should be such as to demand its immediate assistance. In vindication of this course of proceeding, Charles spoke of the distractions and jealousies which evil persons had done so much to promote, and which, he maintained, rendered it absolutely necessary that space should be allowed to disabuse and compose the public mind. But however satisfactory these reasons may have been to the king, his advisers dared not appear to regard them as a sufficient justification of his conduct. In this instance, as in the late prorogation, and in the dissolution and prorogation which preceded it, Charles was obliged to take upon himself the whole responsibility of what was done, and issued the proclamation in his own name, without the names of any portion of his ministers. In the mean while, the duke of York was preparing to resume his place near the person of the king, the monarch having declared his commands to that effect. The immediate effect of these proceedings was the withdrawal of the lords Russell, Cavendish, and Salisbury, sir Henry Capel, and Mr. Powle, from the council; an event that may be said to have put an end to that ill-sorted coalition, which, as the workmanship of sir William Temple, was expected, after the fall of Danby, to realise so much public benefit.* At the same time sir William Jones, the attorney-general, resigned his office, and placed the weight of his ability and character on the side of the opposition. About this time also the duke of Monmouth returned privately to London, without permission from the king; and the event becoming known, the people testified their delight by kindling bonfires and the ringing of bells.

The opposition party, having been aware some time before the twenty-sixth of January that it was the intention of the king to prorogue the parliament from that day, resolved on presenting petitions, praying that the two houses might be allowed to meet and do business at the appointed time. One petition to that purport was presented by seventeen peers.† Charles at once saw the probable effect of this proceeding, and to save himself from the appearance of shutting his ears against the voice of his whole people, made great efforts to check the presenting of petitions before the movement had become general. In a conference between the chancellor and the lord mayor and aldermen, the city authorities were informed that the government had become

Petition of seventeen peers for a meeting of parliament —origin of petitioners and abhorrrers.

* The persons above named waited on the king to request permission to withdraw, and, according to North, his majesty answered shortly, "Ay, ay, with all my heart."

† This petition was presented in December, 1679. The names attached to it were those of the earls of Kent, Huntingdon, Bedford, Clare, Stamford, and Shaftesbury; and those of the lords Say and Sele, Eure, North and Grey, Chandos, Grey, Howard, Herbert Rockingham, Townsend, Hollis, and Delamere.

apprised, by means of intercepted letters, of a project on foot to disturb the peace of the kingdom, by procuring signatures, not merely of gentlemen or freeholders, but of all sorts of persons, to tumultuous petitions, tending to sedition and rebellion. His majesty, added the chancellor, has heard of these proceedings with much displeasure, and expects that the magistrates of London will not suffer those who sign such petitions, or procure signatures to them, to go unpunished. In so doing, it was further observed, they would be acting according to a decision given upon the law in such cases by all the judges of England in the reign of James I.

The opinion of the judges adverted to was given in answer to the question,—whether it was a punishable offence to set forth petitions threatening the king with the discontent of many thousands of his subjects, if their requests were not granted? On which occasion the judges answered, that it was an offence near to treason and felony. If there had been nothing of obscurity in this opinion, and nothing questionable in the circumstances which called it forth, the use of it, as opposed to petitions which simply prayed that the king would meet his parliament, was clearly out of place. The servants of the crown found it exceedingly difficult to misrepresent the fact in this case so as to bring it under the cognizance of their law. At length North, the lord chief justice, delivered it as his opinion, that the intended proclamation of the king on this matter “ought by no means to prohibit the petitioning of his majesty in any case, much less in the case of the parliament; but that it might take notice of certain ill persons, who, under the specious pretence of petitioning, went about in a seditious and tumultuous manner, gathering heads to certain papers;” and in accordance with this artful piece of advice the proclamation was drawn up, and sent to all parts of the kingdom.*

Notwithstanding this proclamation, a petition was soon presented by sir Gilbert Gerrard, in which thousands of his majesty’s subjects in London, Westminster, and the parts adjacent, expressed their desire that the king would meet his parliament, and made some allusion to the popish plot. Charles observed, in answer to this petition, that it pertained to him, as the head of the government, to judge of what was best to be done in such cases. Not many days afterwards, sir Edward Hungerford, sir Walter St. John, and Thomas Thynne, esquire, presented a petition from Wiltshire. Charles did not scruple to tell these gentlemen that they came from loose, disaffected people, and dismissed them with an admonition to limit their attention to their own affairs. A similar fate awaited petitions from Berkshire and Essex; and the insolent or contemptuous answers returned, were published in the Court Gazette as the best means of intimidation. Nor were these means resorted to in vain, few, if any, petitions being afterwards presented. It was given out also

* Ralph, i. 490, 491. North’s Examen, 541—544.

that the duke of Monmouth was intent on raising an insurrection, and that by producing a strong excitement on the matter of petitioning, his partisans hoped to render him material aid in prosecuting that object. This led to the sending up of several addresses, in which the subscribers professed to abhor all efforts to promote petitioning, and by these steps the whole nation was suddenly divided into two classes—the petitioners and the abhorrrers.*

Along with these names, as describing the two political parties, many others came into use about this time. Sometimes the partisans of the duke were described as Yorkists, and sometimes by the name of Tantivies,—meaning that they were persons proceeding at a rapid pace toward Rome: but as the duke's friends frequently boasted of the number of his supporters in Ireland, it became common to speak of all persons opposed to the Exclusion Bill as belonging to the Irish party; and the name of Tory being then given to a class of the Irish people who were at the greatest remove from civilized life, that term was soon found to supersede the word Irish, and, ere long, all the other terms applied to the same party. In the mean while, as few things are more infectious than the habit of calling names, the ingenuity of the court party was no less exercised in the way of retaliation, and, “after divers changes” from one phrase of reproach to another, “the lot,” says our Tory authority, “fell upon *Whig*, which was very significative, as well as ready, being vernacular in Scotland for corrupt and sour whey. Immediately the train took, and ran like wildfire. So the account of Tory was balanced.”†

In the midst of these excitements a report was circulated, partly, there is reason to believe, through the aid of Shaftesbury, that a *Story of the black box* had passed into the hands of sir Gilbert Black Box. Gerrard, containing a contract of marriage between the king and Lucy Walters, the mother of the duke of Monmouth. When inquiry was instituted, sir Gilbert denied having any knowledge of such a box; and the principal effect of this artifice was, a public declaration on the part of the king that he had never been married to the said Lucy Walters, nor to any woman beside the queen. But this question was not to be placed at rest by the denial of Gerrard, nor by the declaration of the king. Gerrard, it was maintained, had been tampered with, and was by no means the only person capable of furnishing evidence concerning the nature of the relation subsisting between the king and Lucy Walters; while the declaration put forth by the king was said to be only another proof of his readiness to sacrifice principle to any extent through the influence of fear, or from the love of ease. Such accusations were not merely uttered in common talk, but circulated widely in the anonymous pamphlets of the time:—of so little avail were royal proclamations for-

* Ralph, i. 492—494.

† North's Examen, 320.

bidding the agitation of this question, or the existing laws against the liberty of the press.*

Monmouth, in the mean while, visited different parts of the country in great pomp, and through the west of England was re-pro-
 gress--state ceived in many places with much ceremony, and large
 of the govern- gatherings of the people. The government looked on
 ment. these proceedings with great apprehension, but, sensible of
 its weakness, trusted to little expedients which, without adding to the
 difficulties with which it was beset, promised some measure of im-
 mediate relief. In appearance, the king and his advisers possessed large
 powers, but their strength was more apparent than real. It was
 a government without money, and with scarcely anything that could
 be called a monied interest to support it. It had no strong band of
 placemen to wage its battles; it could lean on a minority only among
 the gentry, as represented in the house of commons, and on a less pro-
 portion among the people generally. It was not only without a standing
 army, but, in case of disorder, had perhaps more to fear than to hope
 from the militia under its command; and, in such a state of things, the
 question which seemed to be more unsettled than any other, was the
 momentous one which concerned the succession to the throne. Every
 member of the administration felt that to provide against a meeting of
 parliament was strictly necessary to their official existence, and the two
 houses were accordingly prorogued to the seventeenth of May, and again
 to the twenty-second of July.†

The duke of York was so fixed in his attachment to the catholic religion, and so determined upon asserting his claim to the crown, that he meditated placing himself at the head of his partisans in the three kingdoms for the purpose of making good his pretensions at the point of the sword, and that during the lifetime of the king, should the fickleness of his selfish temper dispose him at last to yield to the importunities of the opposition.‡ But the policy of Shaftesbury was as bold, and in all respects as little scrupulous, as that of the duke. The character of Shaftesbury could attach no credit to any party, and his talent and energy, which made him eminently serviceable to the Whigs at one time, fitted him in the end to become the occasion of their greatest mis-

* Ralph, i. 497—500.

† “There was at this time (April 1680) great meetings of persons dissatisfied with the court, where consultations were held to distress the king on all occasions, whether in parliament or out of it, and these resorts were called cabals. The duke of Monmouth, the earl of Shaftesbury, and the lords Russell and Cavendish and others, were the chiefs of those assemblies, which, for their greater privacy, shifted every night from house to house, the public outcry pretending fears of popery, and for the safety of the king.” In the following month the same writer states—“The king showed me a great deal of what he had done to the house (Windsor Castle), which was indeed very fine, and acquainted me with what he intended to do more. He lived quite privately at this time; there was little or no resort to him, and his days he passed in fishing, or walking in the park.” Reresby, 99, 100.

‡ Dalrymple, App. 265, 277.

fortunes. It was his project to bring forward the duke of Monmouth, in the place of the children of the duke of York, contrary to the judgment of some of his party; and it was by him especially, as will presently appear, that his party was pushed on those extreme measures, which so far diminished its hold on the public sentiment as to expose all the great interests which it had laboured to secure to the most imminent peril.

The power of Shaftesbury over the most considerable persons of the Whig party was strikingly evinced at this time by his proceedings in relation to the duke of York. On the sixteenth of June he presented himself to the grand jury at Westminster, accompanied by the lords Huntingdon, Cavendish, Russell, and Grey, by sir Gilbert Gerrard, and a number of respectable commoners, and indicted the duke as a popish recusant. The object intended by this bold measure was in great part achieved. It was regarded by Halifax, Sunderland, and Godolphin, as an alarming indication of the power of the opposition; and they did not scruple at once to advise that the duke of York should withdraw himself for a time from the kingdom. They were the more disposed to offer this unwelcome counsel, as they now saw that it was not possible much longer to defer the meeting of parliament.*

Charles had issued one prorogation after another in the hope of obtaining, as usual, pecuniary assistance from Louis. He entreated that monarch, in so many words, not to lose the opportunity afforded him of making England for ever dependant on France. Large demands were made as the condition of this surrender; but after much pitiful negotiation Charles bound himself not to assemble parliament for the next three years, on condition of his receiving a pension of 1,000,000 livres annually during that period. France was thus to pursue her course of ambition on the continent, unimpeded by England. In the end, however, the conditions demanded were such that neither Hyde nor Sunderland would consent to, and the long agitated treaty in consequence came to nothing. Its failure contributed much to bring on the crisis which was now at hand.†

* Life of James, i. 590, 591. Ralph, i. 504, 505. Temple's Memoirs, part iii. 340—348. "Plain and most evident it was that the papists lifted up their breast with great arrogance, presuming on support from the duke, who now reigned absolute in all the king's affairs." Reresby, 101.

† Dalrymple, ii. Appendix 233—246. The French part of this treaty was to have been sealed with the great seal of France; the English was to be signed by the king of England alone, without any of his ministers, *ibid.* 242. The disagreement which led to the giving up of the treaty on the part of Hyde and Sunderland was on that part of the articles which provided that neither prince should enter into alliances prejudicial to the other. Louis would only promise to abstain from entering into any offensive alliance against the king of England, but an absolute passiveness to the will of France in such matters was demanded from Charles. The English ministers said, they might very probably be called to forfeit their heads as the penalty of being parties in any way to such a stipulation.

The duke of York presented as a recusant.

Further secret negotiation between Charles and Louis.

Before the meeting of parliament the council was required to deliver its opinion concerning the propriety of the duke's withdrawal from the country. The debate was conducted with great warmth, and the greater number appeared to be of opinion that the duke should remain. Mr. Seymour observed, that those who voted so readily for the duke's going away, would vote as readily that the king should leave the country, if that were the cry of the people. Mr. Godolphin replied—"If the duke does not go now, he must go in a fortnight, and the king with him." Charles, aware of the resentment which he had reason to expect from the commons, advised that he should withdraw; and his opinion, supported by that of Halifax, Sunderland, Godolphin, and Essex, prevailed.

The duke complained bitterly of this decision. He endeavoured to persuade the king to rely upon his troops, and to establish his authority by the sword; but without effect. He spoke of the Restoration as the happy season that should have been employed to make the crown for ever independent; and especially lamented, that the king, by favouring the impeachment of Clarendon, had given a strength to the house of commons which the power of the crown would never be able to resist. Before leaving he was anxious to protect himself against impeachment, by obtaining a general pardon, but that request was not complied with. He at length embarked for Scotland, expressing, through Barillon, the French ambassador, his eternal attachment to the king of France, and threatening to avenge himself speedily upon his enemies. Charles promised to dissolve the parliament should it adopt any extreme measure on the matter of the succession; and James revolved in his mind the project of heading a rebellion, by means of the English catholics, and especially by the aid of his friends in Scotland and Ireland, should the king be found unfaithful to that pledge.*

In his speech to the parliament Charles began by mentioning the alliance which he had recently formed with Spain, a measure which he felt assured must be acceptable to the two houses and happy in its result,—“if our divisions at home,” he added, “do not render our friendship less considerable abroad.” To prevent any such consequence, he renewed his assurance, that nothing should be wanting on his part, to give the fullest satisfaction to his subjects in regard to the security of the protestant religion; which he was fully resolved to maintain against all the conspiracies of its enemies; and for the sake of which he would be willing to concur in any new remedies that should be proposed consistently with preserving the succession of the crown in its due and legal descent. The speech further recommended, that the catholic lords in the Tower should be speedily brought to trial; that the examination of the plot should be

Parliament—
the king's
speech, Oct.
20, 1689.

* Life of James, i. 594—600. [Dalrymple, App. 265—278.]

resumed; that a supply should be voted for the relief of Tangier; and that care should be taken to prevent the mischiefs of disunion among themselves.*

On the fourth day after the meeting of parliament, Dangerfield was examined at the bar of the House of Commons on the subject of the Meal-tub Plot. In answer to those who censured that proceeding, as intended to perpetuate and revive the popular delusion concerning the alleged conspiracies among the catholics, lord Russell rose and observed, that, in his opinion, the life of the king, and the safety of the country and of the protestant religion, were in great danger from popery; and that the preservation of everything dear to the English people depended on the adoption of vigorous measures to suppress the power and growth of that system. "I humbly move, therefore," he continued, "that we may resolve to take into consideration, in the first place, how to suppress popery, and to prevent a popish successor; without which all our endeavours about other matters will not signify anything." It was in consequence carried unanimously, that the house should at once "proceed effectually to suppress popery, and to prevent a popish successor."[†]

The commons resume the question of the succession.

The next day another resolution was adopted, and with the same unanimity, which censured the recent proceedings intended to discourage the subject from exercising his undoubted right to petition the king for the calling and sitting of parliaments, and the redress of grievances. Nor did the zeal of the house stop at that point. Sir Francis Within, member for Westminster, was expelled, on the ground of his having promoted and presented an address, expressing an abhorrence of the act of petitioning. Persons also, not of the house of commons, found themselves exposed to its resentment on this account. Sir George Jefferies, the recorder of London, had distinguished himself by his zeal and insolence as an abhorrer; and the house addressed the king praying that he might be

Proceedings of the commons against the abhorers.

* Parl. Hist. iv. 160, 1161.

† The belief appears to have been pretty general at this time, that the king would possibly yield to the demands of the exclusionists. "The parliament pursued the duke with such violence, and the king was so thoroughly distressed for money, that some now began to be of opinion his majesty would abandon his brother. What added to their suspicions was, that many who were well in the king's esteem appeared for the bill of exclusion; nor was it unknown that the duchess of Portsmouth was well inclined to it,—whether artfully to insinuate herself into the good graces of the party (the whigs) who had been at the greatest enmity with her, or in compliance with the French, whose tool she was, and who were always ready to catch at anything to embroil us." Reresby, 102, 103. Burnet writes that Montague assured him the duchess had once prevailed on the king to consent to the exclusion bill, on condition of receiving 600,000*l.*, but that nothing came of it, not so much on account of the difficulty of the case, as from the fact that the house of commons dared not trust the king, and that the king would not trust them. The same writer adds, that "Sunderland assured all people, that the king was resolved to settle matters with his parliament on any terms." ii. 249, 250.

removed from all his public offices under the crown. Charles was not disposed to concur with this prayer, but the offender himself became so alarmed, that he voluntarily resigned all his employments, and received a reprimand upon his knees at the bar of the commons. The king had not expected an exhibition of this sort from so bold a talker, and observed on the occasion, that he saw Jefferies was not parliament proof. Other persons were taken into custody by the sergeant-at-arms in different parts of England, on the charge of having made themselves conspicuous in promoting the late addresses. Sir Robert Cann, and Sir Robert Yeomans, members of the house, were accused of saying, there was no popish plot, but a presbyterian one. Yeomans submitted to the censure of the house; Cann was expelled, committed to the Tower, and was discharged only on presenting his humble petition acknowledging his fault. It was ascertained that the late proclamation against petitioning had been drawn up by chief justice North; upon which an impeachment was ordered against him. Proceedings were also instituted against Sir Richard Weston, one of the barons of the exchequer; against Sir Thomas Jones, one of the judges of the King's Bench; and particularly against the lord chief justice Scroggs. It was voted that each of these persons should be impeached, and against Scroggs a number of articles were prepared which imputed to him almost everything odious as a functionary and a man.*

But these proceedings soon brought their natural consequences along with them. Many of the people, who, only a little before, had supposed that the prerogative and the court were the only quarters from which an excess of power was to be apprehended, began to suspect that the house which had been especially intrusted to defend them against all arbitrary government, was about itself to impose that yoke upon them. An order was issued for the arrest of a gentleman in Devonshire, named Stawell, who acted as foreman upon a grand jury at Exeter when an address was agreed upon expressing abhorrence of the practice of the petitioners. Stawell refused to surrender himself to the officer of the parliament, alleging that he knew of no law to justify his arrest on account of what he had done as a jurymen. This spirited resistance led to inquiry, and the house, it seems, became aware that in this series of measures it had been influenced much more by a consciousness of power than by any clear warrant of law. About the same time, also, a paper was put forth

* Parl. Hist. iv. 1162, *et seq.* 1274—1278. Ralph, i. 516. The articles against Scroggs were no doubt in the main well founded, and they show him to have been capable of violating law and justice in the most flagrant manner. To him, and to such men as Saunders and Jefferies, Algernon Sidney referred when he remarked—"Lest the means of destroying the best protestants in England should fail, the bench was filled with such as had been blemishes to the bar." The dissolution of parliament prevented the prosecution of Scroggs; but he was soon afterwards removed from the bench.

entitled, "a List of the Abhorrrers," in which an effort was made, and not without a measure of success, to point out the illegality of these prosecutions.

But we must not judge of the law and usage of parliament on such matters in those times from what they are at present. Since the accession of the house of Stuart, precedents of this nature had been of frequent occurrence, and had passed without becoming matters of complaint either with the court or the nation. It is certain, also, that the aim of the men who made themselves conspicuous as the promoters of "addresses" was to invade the most valuable rights of the people, and to expose the constitution itself to the greatest hazard. The insolence, too, with which this was frequently done added much to the malignity of the offence. Sir Richard Weston, for example, addressing the grand jury at Kingston, observed, "Zuinglius set up his fanaticism, and Calvin built on the same blessed foundation; and, to speak the truth, all his disciples are seasoned with so much sharpness of spirit, that it much concerns the magistrate to keep a strict hand over them. And now they are restless; amusing us with fears; and nothing will serve them but a parliament. For my part I know no representative of the nation but the king. All power centres in him. It is true, he does intrust it with his ministers: but he is the sole representative. And i'faith! he has wisdom enough not to trust it any more to those men who have given us such late examples of their wisdom and faithfulness.*" But much as this arrogance, and the measures to which it led, may have required the curb, it became evident, that the notions of personal liberty which now began to prevail were such as not to tolerate the method of meeting the evil which the house of commons had adopted; and its leaders, accordingly, were not unwilling that the public attention should be called from these doubtful proceedings to their great struggle in regard to the Exclusion Bill.

On the second of November colonel Titus moved, "That a committee be appointed to draw up a bill to disable James duke of The Exclusion York from inheriting the imperial crown of this realm;" Bill. which was seconded by lord Russell. The whig leaders, in presenting the duke as a recusant, appear to have resolved on breaking with him beyond the possibility of a return. From that time they were bound to the Exclusion Bill by personal interest, as well as by a sense of public duty. Their main impediment was with the king, and their great hope was in the flexibility of his temper when pressed with difficulty. The great majority, not only among the people, but in the commons, and even in the court, were confided in as either openly or secretly in favour of the measure, leaving the monarch without any effectual support except from the probable result of a division in the house of lords. Nearly all men

* Ralph, i. 515.

were agreed that, in the event of a catholic succeeding to the throne, it was of the greatest moment that very material restrictions should be laid on the prerogatives of the crown; and the point to be made palpable by the advocates of the bill was, that less injury would be done to the crown by transmitting it entire, in a somewhat indirect line, than by transmitting it, deeply impaired, to the immediate heir; its wearer, in the one case, being a king in reality—in the other, such only in show. The choice was between the principle of legitimacy and the prerogatives of the crown. Both could not be retained. Which might the statesman part with at least hazard to the public interest?

After much discussion the bill was brought in, and was read a first time on the fourth of November. On the eighth it passed through a committee, was agreed to, and reported to the house. The speed, and the measure of concurrence, which marked these proceedings, alarmed the opponents of the bill about the court; and a message was sent from the throne, in which his majesty desired the house to expedite the inquiries before them in regard to popery and the plot, and repeated the expression of his willingness to adopt remedies against danger from that quarter, “provided they were consistent with preserving the succession

Nov. 10. of the crown in its legal course of descent.*” This was deemed a prudent method of intimating that the bill in progress would never obtain the royal assent. But the house did not act upon this intimation. Many complained that the king, after proroguing the parliament during more than twelve months for his own pleasure, should become thus impatient of delay within a fortnight of its meeting; and a committee was appointed to prepare an answer, which should express the surprise and regret of the house on that ground. With regard to the plot, his majesty was informed that the house had resolved on the prosecution of lord Stafford, and that the preparations for his trial would soon be complete. In the mean while the time for the third reading of the bill approached. In the debate on that occasion, Hyde declared that if the bill became law there was a loyal party who would still feel themselves bound in allegiance to the duke, and to him only; and he complained that the proviso framed to secure the succession to the children of the duke did not contain the words “presumptive heir to the crown.” But it was maintained by sir William Jones, a person of great eminence both as a statesman and a lawyer, that the words suggested were unknown to our law books, and that the security in regard to the duke’s children was complete without them.

The commons agreed upon their answer to the message from the king. The bill passes on the eleventh, their next step was the passing of the the commons. Exclusion Bill, which they resolved should be carried to the upper house by Lord Russell on the fifteenth. When delivered to the house, the members of the commons who accompanied lord Russell

* Pool’s Parl. Hist. iv, 1198.

raised a loud shout. It was at the debate in council which led to the king's message to the commons, that Halifax began to manifest his opposition to this bill, and in so doing separated himself from his friends and coadjutors, Sunderland, Godolphin, and Essex, who secretly favoured it, and would have secured to it a first reading in the house of lords. His aim, he maintained, was precisely that of the exclusionists, nothing being more important than that the interests should be preserved which the bill was intended to secure; but his scheme was, that the duke should be banished for life, and not absolutely disinherited—a clumsy expedient, to which the whigs would not listen, and which James himself would have resented even more than the Exclusion Bill. Halifax, no doubt, looked with apprehension to the prospect of Monmouth succeeding to the throne; but his great infirmity at this time appears to have been, an undue solicitude to gratify the king, and so much reverence for his own discernment as to feel pleasure in resisting any plan beside his own, even though devised by his political friends.*

During the whole time of the debate in the house of lords the king was present; the commons also adjourned their proceedings expressly for the purpose of attending; and no effort was spared on either side that might possibly influence the decision. Among the speakers in favour of the bill, Debate upon it in the lords—the bill is lost. Nov. 17.

Essex and Shaftesbury were the most distinguished; and they found their chief opponent in Halifax, who appears to have acquitted himself throughout with great ability. The debate extended to the unusual hour of eleven o'clock in the evening. On the division it proved that the bishops, with three exceptions only, were opposed to the bill; and, joined with others, who were influenced by the attractions of the court, or by the personal canvass of the king, gave a majority of sixty-three against thirty. Sunderland voted in the minority, which Charles witnessed with much surprise and displeasure.†

There was nothing in this result that should have occasioned surprise, but it excited great indignation in the commons, and the house was not long in finding opportunity for giving formal expression to this feeling. Charles repeated his appli- The commons refuse supplies.

* "The truth is, lord Halifax's hatred of the earl of Shaftesbury, and his vanity in desiring to have his own motion preferred, sharpened him at that time to much indecency in his whole deportment. Many meetings were appointed between lord Halifax and some leading men, in which, as he tried to divert them from the exclusion, so they studied to persuade him to it, both without effect." Burnet, ii. 250.

† "This was one of the greatest days ever known in the house of lords. Great was the debate, and great were the speakers. The chief of those for the bill was the earl of Shaftesbury; the chief against it, lord Halifax. It was matter of surprise that the latter should appear at the head of an opposition to the former, when they were always wont to draw together. But Halifax opposed the business with vigour, and, being a man of the clearest head, finest wit, and fairest eloquence, he made so powerful a defence, that he alone, so all confessed, influenced the house, and persuaded them to throw out the bill." Reresby, 103, 104. Halifax seems to have thought within a fortnight of this time that a civil war would probably be the consequence of the course which he had recommended. Ibid. 106. Ralph. i. 529.

cation for a supply in aid of Tangier. Sir William Jones and lord Russell had manifested a warmth in support of the Exclusion Bill which was not natural to them; and by the weight of their example had commended it with great effect to the people at large. Both now took the lead in opposing the proposed grant. Sir William spoke of Tangier as a place of great importance, which it would certainly be well to preserve, but complained of it as having become a sort of nursery for popish soldiers, contrary to the treaty which made it a possession of the British crown; and he concluded with urging that an address should be presented to his majesty, and that no money should be voted so long as there remained any danger of its being employed against the religion and liberties of the country. Lord Russell was still more explicit, declaring, that so long as the danger of a popish successor continued, and so long as the favourers of the duke of York were about the person of the king, he should regard any vote of money as so much contribution made to strengthen the hands of the manifest enemies both of the king and the nation. Let these causes of apprehension be removed, and no man should exceed him in readiness to supply the wants of the sovereign. Sir William Temple spoke next, and laboured to heal this obvious breach between the king and the house; but his efforts were fruitless. An address was presented to the king, which set forth a long catalogue of grievances, all described as the natural effect of the attempts so long made to introduce popery. Should those attempts prove successful, the commons wished it to be observed, that, by this protest, they had freed themselves from all part in the guilt of those dreadful consequences which must then become inevitable.*

The commons further voted an address to the king, praying that lord Halifax might be removed from his presence and councils; and at the same time an impeachment was commenced against Mr. Seymour, who had made himself obnoxious by the violence with which he had opposed the Exclusion Bill in the lower house. Halifax was accused of having advised the late prorogations; Seymour, of diverting money from its proper uses when treasurer of the navy. It is not certain that either of these charges could have been proved, and, if they could, it is plain that they were not the real ground of offence in either case. In answer to the address concerning Halifax, Charles observed that the reasons assigned did not appear to him sufficient to render it expedient that he should comply with the request made to him. "But," he added, "whenever the house shall, in a due and regular course, prove any crime, either against the said earl, or any other person, who either now is, or hereafter shall be, in his council, he will leave him or them to their own legal defence, without interposing to protect them." The royal pardon, therefore, was not to be pleaded in future in arrest of an impeachment, as it had been

* Parl. Hist. iv. 1216—1221, 1255—1258.

in the case of Danby; but the ministers of the crown were to be henceforth, in all good faith, responsible for their conduct to the authority of parliament.*

The next business of the commons was the trial of Lord Stafford, one of the five catholic lords in the Tower. The cause was opened by Jones, Maynard, and Treby, as managers for Stafford, Nov. 30; Dec. 29. the commons, who dwelt with great copiousness and eloquence on the whole history of the plot. The principal witnesses were Oates, Dugdale, and Turberville, the last of these persons being as infamous in character as the first. The unhappy victim of this prosecution was aged and infirm; he had been in confinement ten years, was of a timid disposition, and would have been little competent at any time to have met the tide of passion and power which had now set in against him. This trial, if such it can be called, occupied the house of lords from the thirtieth of November to the sixth of December, when a majority of fifty-five against thirty-one concurred in a verdict of guilty. The execution of Stafford was viewed by the people with pity rather than exultation, and his blood was nearly the last shed on account of the popish plot.†

On the fifteenth of December the king made a speech to the two houses, calling their attention again to his alliances, and to the state of Tangier, and requesting to know, as soon as might be, what they desired of him, and how far he might rely on their assistance. The commons immediately resolved to take his Majesty's speech into consideration on the following Saturday; and in the mean while formed themselves into a grand committee to devise means of securing the kingdom against popery and arbitrary power. The debate had respect to a bill introduced by lord Cavendish, for the purpose of forming all his majesty's protestant subjects into a kind of asso-

* Parl. Hist. iv. 1222—1224. Howell, vii. 1218, *et seq.* Phillips, i. 351—480.

† Ralph, i. 530—535. Halifax voted for the acquittal of the accused, and Charles is said to have been "extremely concerned at the rigour and abruptness of his fate." But Reresby, who so speaks of the king, has exhibited him from the life in another passage, and shown him to have been hardly capable of much concern about anything. "I was at the king's couchée when there were but four present. His majesty was in a very good humour, and took up some time in displaying to us the fallacy and emptiness of those who pretend to a fuller measure of sanctity than their neighbours, and pronounced them to be, for the most part, abominable hypocrites, and the most arrant knaves: as instances of which he mentioned several eminent men of our own times, nor spared to introduce some mitred heads amongst the rest, whom he pretended to be none of the best, though their devout exterior gave them the character of saints with the crowd. However, there were, of the men so pointed out, some whom the king had no reason to love upon a political account, which may be pleaded in abatement of the acrimony of his censure. He was that night two full hours in putting off his clothes, and it was half an hour past one before he went to bed. He seemed to be quite free from care and trouble, though one would have thought, at this time, he should have been overwhelmed therewith, for everybody now imagined he must either dismiss the parliament in a few days, or deliver himself up to their pressing desires; but the straits he was in seemed in no ways to embarrass him, as I just now observed."—110, 111.

ciation, with a view to the protection of their common interests. But it was observed that of late many professed protestants had learnt to speak of the danger from fanatics as being greater than that from papists; and that the effect of the proposed measure would be rather to expose the divisions of protestants, than to realise union among them. On these and other grounds nothing effectual was done with regard to this bill: but on the following day, it was resolved that bills should be forthwith introduced to secure the meeting and sitting of parliaments; to make the appointment of the judges to be during good behaviour, and not during the pleasure of the crown; and to render any illegal exaction of money from the people high treason.

The next day, being Saturday, Mr. Hampden moved that an address should be presented to the king, assuring him that whatever money might be requisite for his service would be freely granted, so soon as the laws necessary to secure the religion of the country should be obtained. Lord Russell was the next speaker, and he urged that the house should make the offer of all necessary supplies to the king, on condition of his passing the Exclusion Bill only, and without the mention of any other grievance. This moderate course was strongly recommended by Sir William Jones, who added, "Without the Exclusion Bill, there can be no expedient that will not leave us in the miserable condition of having, first or last, a contest with our legal king; and there can be no such thing as setting up a power to oppose him, except by placing a kind of supreme authority in the parliament, with a power to oppose, as well by war as laws, which might prove the destruction of our monarchical government." But this judicious reasoning, in regard to the pre-eminent importance of the Exclusion Bill, did not suffice to obtain even a temporary forgetfulness of other grievances. Garroway, whether honestly misled, or intent on doing mischief, prevailed on the house to make their address include the whole chapter of their grievances. They passed a vote, also, which prohibited any member from accepting office, or any place of profit under the crown, without consent of the house.*

When the address of the house was presented to the king, it gave rise to a great division of opinion in the council. Sir William Temple would have prevented Charles from returning any positive answer to that part of the address which regarded the succession, on the ground that such a course became him in consequence of the difference of opinion between the two houses on that subject.† But Halifax was not the only minister who felt that his recent conduct had exposed him to the fixed resentment of the exclusionists, and who, in the present temper and power of that party, considered a disuse of parliaments as the only means of safety. By this

Reply of the house.

Answer of the king.

* Parl. Hist. iv. 1234—1258.

† Memoirs, part iii. 352.

party the king was induced to adopt an answer, in which he stated, that the judgment of the lords on the bill regarding the succession had confirmed him in his opposition to it; and Sir William Temple, strange to say, suffered himself to be put forward for the purpose of presenting this answer, which he did not personally approve, at the bar of the house. Sir William Jones, who held him in much esteem and affection, expressed himself grieved to see a person of so much worth employed on such an errand:—"I," he remarked, "am old and infirm, and do not expect to live long; but you, in all probability, will live to see the whole kingdom lament the consequences of the message you have now brought us from the king."* Jan. 7.

The effect of this message on the commons was such as its authors had expected. More determined resistance produced a more determined method of attack. One resolution was passed praying the king to remove the marquis of Worcester, the earl of Clarendon, the earl of Feversham, Mr. Lawrence Hyde, and Mr. Seymour, from his presence and councils for ever; another declared that, until the Exclusion Bill should become law, no manner of supply should be granted; and another prohibited all lending of money to the crown on the customs, excise, or hearth-tax, or by any tally, or anticipation on any branch of the revenue—adjudging all such persons responsible to parliament, as parties to the hindrance of its due sitting. The probable effect of these proceedings was not unperceived; but the struggle had now become one in which the strongest only could hope to prevail. On the morning of the tenth of January, it was rumoured that the king was about to prorogue the parliament. The commons immediately passed a resolution, in the midst of much haste and disorder, which declared that whoever should advise the king to prorogue parliament would be deemed a betrayer of the king, of the protestant religion, and of the kingdom of England. Within a quarter of an hour, the king appeared, and the house was prorogued. Eight days afterwards, the prorogation was followed by a dissolution; notwithstanding an earnest petition from the mayor and common council of London, praying that the two houses might be speedily re-assembled.†

* Parl. Hist. iv. 1278. Lord Russell's Life of Lord William Russell, i. 251.

† Ralph, i. 544—560. Parl. Hist. iv. 1279—1295.

CHAPTER VIII.

New Parliament summoned—Petition of the Sixteen Peers—Proceedings in the City and in the Court. Case of Fitzharris. Meeting of the Oxford Parliament—Policy of the King: his Speech—Proceedings in the Commons—Debate on the Exclusion Bill—Parliament Dissolved. Conduct of the King: his Declaration—Reply of the Opposition—Addresses to the King. Trial of Fitzharris. Election of Sheriffs—Proceedings against College and Shaftesbury—Arrest of Whiteacre—Trial of College—acquitted in Middlesex; condemned and executed at Oxford. Election of the Lord Mayor. Nonconformists excluded from serving on juries—Trial of Shaftesbury—he is acquitted. Plan of seizing the City Charters. Charles renews his negotiation with Louis. Persecution of the Nonconformists—Prosecution of Argyle. Struggle at the election of the City Sheriffs—Prosecution of Pilkington and Ward. Election of the Lord Mayor by the influence of the Court. Arrest of Monmouth—Changes at Court—Flight and Death of Shaftesbury—Seizure of the City Charters. Ryehouse Plot—parties engaged in it—its object—discovered—arrests—arrest of lord Russell—Trial of Walcot, Rouse, and Hone—Death of lord Essex—Trial of lord Russell. King's Declaration—The Oxford Decree. Trial of Algernon Sidney. Correspondence with Monmouth—Other Trials—Foreign Affairs—Court Proceedings—Illness and Death of the King.

CHARLES might venture to dissolve the late parliament, but it was regarded as highly expedient that another should be immediately summoned, and that its day of meeting should not be distant. It was manifest that the struggle between the king and the exclusionists must soon be brought to its crisis. The new parliament was summoned to meet on the twenty-first of March, but the place of meeting gave occasion for much suspicion and complaint. The two houses were not to assemble at Westminster,—where the known feeling of the capital might impose some check upon any bold measure on the part of the court,—but at Oxford, where the most determined opponents of the Exclusion Bill, and of the great principles on which it rested, might feel themselves strong in the sympathy of the inhabitants.

In little more than a week after the appearance of the proclamation, a petition was presented to the king by sixteen of the opposition peers, praying that parliament might be assembled, as usual, at Westminster; and making mention of the plot, and many other matters, as the causes of their solicitude on that subject. Neither the prayer of the address, nor the reasons of it, were acceptable to the king, and it was received with manifest displeasure: nor does it appear that any answer was returned. Charles felt still more displeased when he learnt that this petition and remonstrance—for such it may be called—was printed, and widely circulated. It was presented by Essex and Monmouth.

On the first of February the citizens of London chose their old members; passed public resolutions expressing approval of their conduct, especially on account of the aid which they

had given to the Exclusion Bill; and in the same manner testified their admiration of the patriotic conduct of the sixteen petitioning peers. In most places throughout the kingdom the same spirit was manifest.*

Charles, in the mean time, pursued his course with an unusual degree of reserve and steadiness. Enough transpired to make it plain that the king was never less disposed to comply with the demands of the house of commons than at this moment. Halifax appeared to be alone in his confidence. Shaftesbury, removed from his presidency, was now dismissed from the council; and the same disgrace attached to Essex, Salisbury, Sunderland, and sir William Temple. Sir William had studied to serve the king, but was not prepared to do so at the cost of his long-cherished reputation; and had of late made himself unacceptable by his occasional scruples and observations. Temple's conclusion at this time was, that Charles despaired of proceeding in any sort of harmony with parliaments, and that he had resolved to supply his wants in future by other means. But even Halifax was so much in uncertainty concerning the ultimate purposes of his master, as to be at one time apprehensive that he might release Danby from the Tower, and restore him to his councils:—"In short, everything now, and for some time to come, was in the most unsettled, dark, and perplexing suspense, so that a man scarce knew what to think or how to behave."†

During this suspense, one Fitzharris, an Irishman and a professed catholic, who had for some time performed the office of a spy and informer about the court, consulted with one Everard, a native of Scotland, who had been frequently engaged in such proceedings, as to the best means of making this extraordinary state of the public feeling conduce to their advantage. Fitzharris stated that a liberal reward might be obtained from the French-ambassador, whose confessor was known to him, by any person who should manage to widen the breach between the king and the parliament, so as to leave the king of France at full liberty to prosecute his schemes against Flanders. Fitzharris, accordingly, supplied Everard with materials of accusation against the king and the duke of York of the most inflammatory description, upon which the latter was to bestow the full advantage of his rhetoric. But Everard judged that the best method of improving his own fortunes was to betray his colleague; and he provided that one Smith, and sir William Waller, should have their place in an adjoining room, so as to be witnesses concerning all that should be spoken in the subsequent conferences. In these conferences Fitzharris corrected the proposed publication according to his taste, and promised Everard an immediate supply of money, and a monthly pension from the purse of the French ambassador. Within eight days from the first of these meetings the dupe was committed to prison on the ground of informa-

* Reresby, 113—115. Burnet, ii. 274—276. Ralph, i. 560—562.

† Reresby, 115. Temple's Mem., part iii. 354, 355.

tion laid against him by Smith and sir William Waller. The intention of Fitzharris was to fasten the disgrace of his elaborate libel against the king and the duke upon the whig leaders. One of the passages he inserted was, "that a parliament could depose a popish possessor as well as a popish successor;" and when admonished by Everard that the document was treasonable, he answered, "The more treason the better." It was said that part of his plan was to place copies of the paper in the pockets of some of the opposition members. But, on his commitment to Newgate, he began to look for the means of safety in the friendship of the party which he had designed to injure. He stated to Cornish, the sheriff of London, that he could discover more than any other man on the subject of the popish plot; and Cornish laid the information communicated to him before the king without delay. Charles confessed that he had given money to Fitzharris some time before, and that three months since the same person had promised to furnish information of some conspiracy then at work. His pretended disclosures were now made to the secretaries of state, and before the city magistrates, Clayton and Treby; but proved to be a tissue of falsehoods about the plot. His policy, however, appeared for the moment to have served his purpose. If his old friends in the court had cast him off, his new friends in the opposition, still credulous about the plot, showed too much readiness to avail themselves of his services.*

As the day approached on which parliament was to assemble, the popular excitement, which this affair had contributed to augment, became still more intense. Charles made his entrance into Oxford a week before; and the royal guards were lodged, partly in the city, and partly in the suburbs. Several of the opposition members made their appearance attended by many of their servants and retainers; and a large body of men, who accompanied the four city representatives, wore blue ribbons in their hats, with the motto "No Popery! No Slavery!" On both sides there were the same martial and suspicious appearances; so that the scene is said to have resembled the meeting of a Polish diet, more than of an English parliament. The whigs had lost nothing in numbers or strength at the recent elections, and the press had been sedulously employed by both parties to influence the public feeling on the great questions which were now to be decided.†

Charles had never brought so much of his own better capacity to the business of government as during the last few months. When he dissolved the last parliament, it was with the determination of freeing himself, as soon as possible, from the control of such assemblies; and his policy from that time was to maintain the appearance of great moderation, and, at the same time, to

* Burnet, i. 278, 279. Ralph, i. 564—566.

† North's Examen, 90—102. Ralph, i. 566—568, Burnet, ii. 281.

avail himself of every indiscretion and extravagance on the part of his opponents for the accomplishment of his object. His speech addressed to the two houses bore the marks of care, suited to this policy, and to the dangerous temper of the times. He reminded them of the degree in which he had complied with the wishes of the last parliament; and spoke of his willingness to forget the kind of return which he had met with from the hands of that assembly. "It is as much my interest," he added, "and shall be as much my care, as yours, to preserve the liberty of the subject, because the crown can never be safe when that is in danger; and I would have you likewise be convinced that neither your liberties nor properties can subsist long when the just rights and prerogatives of the crown are invaded, or the honour of the government brought low." On the matter of the succession he could not depart from the declarations which he had so often made; but he would willingly listen to any expedient that might be devised for securing the administration of the government, in case of a popish successor, to the hands of protestants. "I conclude," he observes, "with this one advice to you—that the rules and measures of all your votes may be the known and established laws of the land, which neither can nor ought to be departed from or changed but by act of parliament; and I may the more reasonably require that you make the laws of the land your rule, because I am resolved they shall be mine.*"

Williams, the speaker in the last parliament, was again chosen to that office. In the last parliament the custom of printing the Proceedings in votes upon divisions commenced. Sir Leoline Jenkins, the commons. one of the secretaries of state, objected to the practice, as being "a sort of appeal to the people;" but the first vote of the house was for its continuance. Toward the close of the last parliament a bill passed both houses to repeal a statute of the reign of Elizabeth, which required that all persons absenting themselves from their parish church for one month should expiate their offence by public abjurations, or be punished with death. The bill did not obtain the royal assent, and it was rumoured that the clerk of the house had been commanded by the king to abstain from presenting it. The commons now demanded a conference with the lords on that subject; but the question, as put by them, was "on matters relating to the constitution of parliament in the passing of bills." The next proceeding was the introduction of the Exclusion Bill, but the debate upon it was deferred until opportunity should be afforded to consider any proposal that might be suggested in the place of that measure.

Having voted thanks to the electors in "many counties, cities, and boroughs," who had chosen their representatives free of expense, the attention of the house was called by sir William Waller to the case of Fitzharris. The whig leaders appear to have thought it probable that the discoveries of this person might be of importance, not only in relation to

* Parl. Hist. iv. 1303—1305.

the plot, but concerning persons in the court who had possibly been parties to the design of placing the treasonable papers in the pockets of members. Hence, that the life of Fitzharris might be spared, and that he might be placed entirely in their hands, they resolved to proceed against him by way of impeachment. This resolution appears to have been adopted amidst much excitement and disorder, and Mr. secretary Jenkins at first refused to be the bearer of it to the lords, but, awed by the language of the leading men of the opposition, he at length consented. The lords refused to admit the impeachment, on the plea that an order had been made by their house in the reign of Edward III. which precluded all commoners from trial at their bar. They would accordingly have left the offender to be dealt with at common law.*

This ground of refusal was a startling novelty, and open to much questioning in point of law. The lower house at once declared, "That it is the undoubted right of the commons, in parliament assembled, to impeach before the lords in parliament any peer or commoner for treason, or any other crime or misdemeanor; and that the refusal of the lords to proceed in parliament upon such impeachment is a denial of justice, and a violation of the constitution of parliament." The order of the upper house in the fourth year of Edward III. cannot fairly be said to have possessed the authority of a statute. That order, too, referred to a case in which the king was the accuser, and was not, in consequence, clearly applicable to impeachments at the suit of the commons, to which the crown is not at all a party, and which, as we scarcely need say, is the case with all trials which go before a jury, according to the twenty-ninth section of Magna Charta. Many precedents had occurred since the reign of Edward III. in favour of the side taken by the commons upon this question, and not one in support of that taken by the lords; and the usage of parliament since that time has been conformable to those precedents, and not to this very dangerous and apparently unfounded theory, which seems to have owed its origin mainly to the ingenuity of the Earl of Nottingham.†

The resolution of the commons on this subject was adopted on the Debate on the twenty-sixth, and on that day the debate commenced upon Exclusion Bill. bringing in the Exclusion Bill. The motion was made by sir Robert Clayton, one of the members for the city, and was seconded by lord Russell. In the course of the debate a new scheme, to which some allusion had been made by the king, was explained by sir John Ernly. It was to give the duke the title of king, and his daughter the power of regent, the duke himself being banished to a distance of five hundred miles from Great Britain and Ireland. Sir Thomas Littleton, a person of great weight on the side of the opposition, spoke

* Burnet, ii. 280. Reresby, 118, 119. Parl. Hist. iv. 1305—1317.]

† Burnet, ii. 280. Hallam, ii. 602—605.

with much earnestness in favour of this plan. In fact, it appears to have originated in a suggestion made to Littleton by bishop Burnet some time before, and from the care with which it had been digested, and the manner in which it had been talked about since, there was room to suppose that it would be taken up favourably by Halifax, Seymour, and lord Nottingham, and by the king himself. According to this scheme, the regency would have been vested in the prince and princess of Orange.

On a slight view of the subject, this plan, which seemed to bespeak so much moderation on the part of the court, may appear to be one of much greater promise than any which had hitherto been proposed; and we may be inclined to censure the whig leaders for not giving it an immediate reception. Experience teaches us not to rely on the continued support of the people for the establishment of a check to arbitrary power entirely prospective in its object. The utmost that the great body of a nation can be brought to do, is to apply a remedy to an evil that has been felt, and to provide at the same time against its future recurrence. The commons had tried their full strength on the Exclusion Bill before, and had failed; and they could not well regard themselves as putting forth that strength with greater advantage at Oxford than at Westminster. Hence, their best course would seem to have been, to content themselves with the banishment of the duke for life, being careful to fence such an enactment with the best possible securities against his return. This policy may appear to have been the more incumbent upon them, as it was the manifest object of the king to avail himself of the partiality felt by the people generally for persons of royal blood; and, by contrasting the conciliatory temper of his own concessions with the unbending severity of the commons, to exhibit himself, and the heir-presumptive, as the oppressed, and their opponents as the oppressors; the position of a party sustaining injury being artfully assumed, in the hope, by that means, of becoming powerful enough to inflict it at pleasure.

But whatever weight these considerations may carry with them when viewed calmly, and from this distance, they were not of a kind to produce much impression on the exclusionists during their sitting in the parliament at Oxford. It was objected by sir William Pulteney, sir William Jones, and others, that the English law knew nothing of separation between the person and the power of the sovereign; that the proposed distinction between a king in fact, and a king in law, would lead to endless misconception and inconvenience, would perpetuate a spirit of divided allegiance, and could hardly fail of ending in the horrors of a civil war; that the dissolution of the last parliament had taken place on the matter of the Exclusion Bill, and that the majority of the present house of commons had been deputed by their constituents to give their vote in aid of that measure; and that while the only immediate effect of urging the proposed scheme must be to produce mischief, in the

shape of division and delay, the adoption of it would entail upon the country the necessity of keeping up a military establishment four times more considerable than would be required to sustain the bill which it was meant to preclude.

Even now it is not easy to say which side of this alternative was beset with the greatest difficulty.* The commons decided in favour of the bill, and a committee was accordingly appointed to prepare it and bring it in. It is probable that this decision was such as the greater number of their opponents expected and desired. Charles appears to have resolved at once on the course to be pursued. On the twenty-eighth the Exclusion Bill was read a first time. The house then passed to the question of the impeachment of Fitzharris, but had scarcely entered on that subject, when the usher of the black rod knocked at the door, and gave notice that the king commanded the attention of the house immediately in the house of lords. The substance of the king's speech was, Parliament that an assembly whose beginnings had been marked by dissolved. so much division, was not likely to have a good conclusion; and that he therefore had given instruction to my Lord Chancellor to declare the parliament dissolved, which was done accordingly.

Such was the fate of the memorable Oxford Parliament. It assembled, as we have seen, on Monday, the twenty-sixth of king. March: it was dissolved on the Monday following. The commons had complained in the course of the week that the convocation-house in which they met was too strait for them, and orders were given that the theatre might be prepared for their use. Charles himself surveyed the progress of the work, and gave his instructions concerning it, on Saturday; and on Sunday evening entertained the persons about him with talk respecting the better accommodation which had been thus provided. On the following morning he went, as usual, to the house of lords in a sedan chair, and another chair followed with closed curtains, which, instead of being occupied with an attendant, contained the royal

* "I am persuaded," says Speaker Onslow, "from having read the debates on this matter, at the different times it was agitated in the house of commons, either scheme would have been impracticable, or have produced a civil war. The condition of this country was undoubtedly very lamentable, but things were not yet brought to a crisis to engage the body of the nation in such a change of government. The reverence for the old constitution would have withstood all the attempts to put the expedient into execution. And if the duke of York should have had a son at any time afterwards, as it was allowed he would have been king immediately, how could the exclusion of the father have been supported? Who would have done it? And then all things would have run back unto the regular succession, and in the confusion or heat of that, the crown would have become arbitrary. If a civil war had happened, it is very probable the case had been the same, whatever side had prevailed. Nothing but the particular circumstances of the revolution, and the wise provisions made upon it for establishing the new government, could have brought on or maintained the change, and the last has been almost miraculous."—Note to Burnet, ii. 277—280. Reresby, 117, 118. Parl. Hist. iv. 1317—1332. Life of Lord Russell, i. 267.

robes.* By means of these little artifices, Charles contrived to take the commons in some degree by surprise, and prevented the passing of such resolutions as had immediately preceded the last dissolution, and as were, in fact, common, when the house found itself exposed to the vengeance of the court in the shape of an abrupt and unwelcome prorogation. When the last parliament was dissolved the king evidently foresaw that the temper and proceedings of the next house of commons would be in effect such as they proved. Hence, when the elections commenced, he told sir William Temple that he did not see in the present state of affairs, that his friends could be of any service to him by contending for seats in parliament;† and it appears that the dissolution at Oxford, on the morning of the twenty-eighth of March, was known in London before that time as about to take place.‡

Charles had no sooner dissolved the parliament than he proceeded in great haste to Windsor, where he remained two days, and His Declaration then took up his residence in Whitehall. From that place a declaration was put forth, purporting to be a statement of the reasons which had influenced him in dissolving the two last parliaments. He complained that the great concessions which he had made with a view to the safety of the protestant religion, and of the liberty and property of his subjects, had been so little appreciated by the first of those assemblies. In place of the return which he had reason to expect, remonstrances were presented to him under the name of addresses; eminent persons were voted enemies to the king and kingdom, without any proof of misconduct; others had been arrested under the pretence of parliamentary privilege; not only had all supplies been stopped, but the payment of tallies and anticipations had been forbidden; and so far had this temper been indulged, that the commons had presumed to interfere for the purpose of preventing a due execution of the law in relation to protestant dissenters. Against the Oxford parliament two complaints were urged—its vote against the house of lords in regard to the impeachment of Fitzharris; and its adherence to the Exclusion Bill, notwithstanding the assurance of the king that it would never obtain his consent. In conclusion Charles declared that it was not his intention—as designing men would no doubt be forward in affirming—to dispense with the use of parliaments, but, on the contrary, to convene them constantly and frequently, so soon as this might be done with safety to the public interests.§

By an order in council, a copy of this shrewdly-constructed document was sent to be read in every church and chapel throughout the kingdom; and the clergy generally performed the service to which they were called

* Reresby, 119, 120. Burnet, ii. 281.

† Memoirs, part iii. 354.

‡ North's Examen, 104, 105. Ralph, i. 581. Just and Modest Vindication, &c.

§ Royal Declaration of April 8, in Kenner's Complete History, iii. 388, 389.

with much good will. The part of the paper which pointed to the sympathy of the exclusionists with the protestant dissenters was particularly effective. The cry of church and king was loudly raised, and a multitude of addresses were presented, expressing the utmost confidence in his majesty's good intentions, and a full approval of all that had been done. One of these fulsome productions, sent up from Norwich, was presented as a libel by the grand jury of Middlesex.

In the hope of resisting the tide which thus began to set in against Reply of the them, the opposition published an answer to the court exclusionists. declaration, under the title of "A Just and Modest Vindication of the Two Last Parliaments." This paper was prepared by Algernon Sidney; it was considerably revised by lord Somers; and received its last corrections from sir William Jones. The argument of this production was every way masterly and convincing; and its language was characterised by great force and accuracy. It commenced by stating that all good men had looked on the dissolution of the two last parliaments with surprise and sorrow, and were grieved to find that any attempt should be made to justify such proceedings. It admitted that the kings of England were intrusted in a great measure with the power of calling and dismissing parliaments; but added that, as a check upon that power, the wisdom of our ancestors had provided that parliaments should be convened annually, and that they should not be dissolved until all petitions and bills before them should have received due attention. These privileges were secured to the nation by ties no less sacred than those which bound the sovereign at his coronation to administer justice, and to preserve inviolate all the rights and liberties of his subjects. That the late dissolutions had taken place at a time when the authority of the legislature was alone competent to provide for the public safety; and by the sole authority of the king, without the advice of his council;—which was a manifest and most dangerous breach of the law and usage of the realm, exposing the king in person, in the place of his advisers, to the censures merited by unworthy actions.

With regard to the conduct of the commons, if they were chargeable with violent proceedings, it was certainly, for the most part, in their endeavours to act upon the advice which had been so often addressed to them from the throne, particularly in the matter of the popish plot, the king having declared that in all matters concerning the public safety he would lead, and not be content to follow, the zeal of parliament. But with regard to the protestant nonconformists, his majesty had often expressed himself desirous of exercising a dispensing power in their favour, and his hope of being able to prevail on the wisdom of parliament to concur with him in some measure of relief to that portion of his subjects. That added to encouragements of this nature, on the part of the sovereign, including, so late as the year 1679, a recommendation that a marked difference should be made in future between the protestant and catholic recusant, was the conduct of papists, which had become such

as no zealous protestant could witness without some danger of being hurried into excess. Nevertheless nothing had been done on that matter contrary to the laws of parliament, or inconsistent with the gravity of an English senate.

It was true the king had used gracious expressions on opening the parliament at Westminster, but no part of his majesty's conduct had been in accordance with his language. No prayer offered by that assembly was regarded—no, not even when its object was the removal of such a functionary as sir George Jeffries, or the rescinding of a law which exposed the protestant dissenter to death as the penalty of absenting himself from his parish church. Much had been said concerning his majesty's alliances, but little had been done to make the parliament acquainted with the real nature of those transactions; or that could exhibit the decayed monarchy of Spain, or the settlement at Tangier, as objects of great interest to a people whose domestic circumstances imposed on them the necessity of struggling for existence. Admitting that the addresses of the house sometimes partook of the nature of "remonstrances," was not the king himself now engaged in expounding the reasons of his conduct to his subjects, and could there be anything criminal in the attempt of subjects to disabuse the mind of the sovereign by the same means? It was true that parties had been arrested; as violating the privilege of parliament by encouraging addresses in which they declared that they abhorred the practice of petitioning for the meeting of such assemblies; that several eminent persons had been declared by the votes of the commons to be enemies to the king and kingdom; and that a similar vote had passed concerning all persons who should grant anticipations (prospective loans) on the revenue; but in favour of all those particulars there was enough of law and precedent to be adduced abundantly to justify what had been done, and which should be adduced in due time for that purpose. That they had assumed a power to repeal the laws, was an unfounded and disingenuous assertion; they had merely declared an opinion. It was a fact that they had censured the conduct of the lords with regard to the impeachment of Fitzharris, and they were prepared to vindicate what they had done in that case. It was also true that they had pressed the Exclusion Bill at Oxford, notwithstanding the declaration of the monarch on that question. But this supposed interdict of any subject of debate, to either house of parliament, by the authority of the king, was itself an infringement of the constitution, and, if once recognised, would destroy that freedom of parliament, without which even the shadow of liberty would not be left: nor could they see, when they called to mind what the protestants of England had done for Charles II., that the sacrifice of mere personal feeling, which that measure demanded, was at all greater than they had reason to expect from him.

Great complaint had been made that the expedient of a regency was not



adopted, and to this there was some dubious allusion in the king's speech, and again in this declaration; but those who urged that scheme knew at the same time that the duke would not consent to it, nor to any unusual restriction of the royal power—the only object aimed at by it was to delude both the parliament and people. On the subject of “other” changes, said to be consequent on the passing of the Exclusion Bill, the friends of that bill regretted that his majesty should allow his mind to be occupied with such unfounded apprehensions: their intention was to exclude the duke, to do it in open day, by solemn act of parliament, and to take care that the government of the country should not be lodged in the hands of men who were known to be promoters of popery, and pensioners of France. Of ulterior designs beyond these they knew nothing; and for the success of these objects they trusted that the people of England would never cease to be solicitous.*

This pamphlet was the most able of the many put forth by the opposition. It produces little effect during the present reign, and some acquaintance with it is strictly necessary to an accurate knowledge

of the state of parties at that time. But its authors had not the pulpits of the kingdom at their command, and could not accordingly secure to it the same degree of publicity that had been given to the king's declaration. Indeed it does not appear to have produced the impression that might otherwise have been expected from it; and in its comparatively feeble effect seemed to furnish an evil omen for the future. It had been the aim of the king to exhibit himself as acting upon the defensive only, and as an object of pity; and this policy—whether resulting from profound forethought, or the effect, in a great degree, of chance and circumstances—was attended with a most dangerous measure of success.

In little more than a fortnight after the publishing of the king's declaration, the justices of Middlesex, and the grand jury of Southwark, presented addresses to the king, expressing their satisfaction with his majesty's proceedings and assurances, and their willingness to support him with their lives and fortunes. On the same day an address of a different complexion was presented by the mayor and common-council of London. In the answers returned by the lord chancellor, the zeal and discretion of the justices of Middlesex, and of the Southwark jury, were highly commended; but the city authorities were admonished that their reception would be different, when, instead of praying for the meeting of parliaments as the only means of securing the public tranquillity and happiness, they learnt to confine their attention to matters within their province, and not above their understanding. It should be added, that the city address was particularly unacceptable as having been adopted at a public meeting,

* Parl. Hist. iv. App. No. xv. It is probable that some forward persons in the commons had talked of the ulterior designs alluded to, in a way which neither prudence, nor the opinion of their party, would have warranted. See *Resesby*, 121.

in the place of one put forward by the party favourable to the court.* The studied insult cast upon the persons who presented it, appeared, as usual, in the Gazette, and few of the whig party were likely to expose themselves to the same treatment after such an example. Indeed, from this time, the most zealous exclusionist must have seen in the number and language of the "loyal addresses" which were presented almost every day and from all parts of the kingdom, that the bow had been strained at Oxford with too vigorous a hand, and that it would probably be the lot of his whole party to suffer considerably for some time to come from the rebound. Sailors, watermen, and apprentices, were encouraged to get up addresses of this sort, in which they endeavoured to rival their betters in the abuse of parliaments, and in praise of the prerogative. Concerning the length to which many of these compositions proceeded, some judgment may be formed from the language used on this occasion by the university of Cambridge. "Our kings," say that learned body, "derive not their titles from the people, but from God; and to him only are they accountable. It belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be such by a fundamental hereditary right of succession, which no religion, no law, no fault, no forfeiture, can alter or diminish." Nothing, it was added, but the seasonable check which his majesty had given to certain "arbitrary and insolent undertakings" could have saved the universities from a return of the spoliation and ruin which formerly came upon them; and nothing that might be offered by themselves, even their lives and fortunes, could be other than a worthless present, as yielded to a prince "the most gracious and indulgent that heaven had ever bestowed upon a people."†

The first proceeding of the court after the dissolution which attracted much public attention was the trial of Fitzharris. We have seen that the first aim of this man was to serve the court by damaging the credit of the opposition, and that on the detection of this intrigue, to save his life, he sought to ally himself with Oates, as a witness concerning the popish plot. That the commons might not make use of him in the latter capacity, the king had removed him from Newgate to the Tower, and had prevailed on the house of lords to refuse proceeding against him in the way of impeachment. Scroggs, the lord chief justice, had also been impeached, and he was now removed from that office to make way for Pemberton, a man of similar origin, and, at this time, of indifferent character.‡ His principal recommendation appears to have been that he possessed the requisite boldness to try Fitz-

* Ralph, i. 590, 591.

† Wilkins's Concilia, iv. 607. Burnet, ii. 283, 284. Reresby, speaking of these addresses, and of his majesty's promise in his declaration to govern according to law exclaims—"A happiness, indeed, it was for his people to live under so good and so gracious a prince! Now we begin to have a prospect of halcyon days again." 122.

‡ North's Life of Lord Keeper Guilford, pp. 37—39.

harris at common law, in contempt of all that the commons had done in May 4, 7, 11. regard to his impeachment. On his trial, Fitzharris again changed his ground, and maintained that in the whole of his transactions with Everard he had acted as an agent for the court. Everard himself admitted that the paper which he had prepared was to have been published in the name of the nonconformists, its object being to put a special disgrace on that section of the exclusionists, and to expose them to the vengeance of the penal laws still suspended over them. But great care had been taken that such a jury should be secured as would be prepared to return a verdict against the prisoner; which was done accordingly. The miserable culprit now gave out that he could furnish important evidence against the anti-court party, and named the lords Howard and Shaftesbury. But the evidence, when supplied, was rejected

June 21.

by a grand jury. He then drew up a paper, in the presence of witnesses, purporting to be a relation of the manner in which he had been stimulated to acts of perjury, on the matters of the plot, by Shaftesbury, sir Robert Clayton, and others, during his confinement in Newgate. But none of these artifices availed. He was executed on the first of July, leaving his many contradictions and falsehoods to gratify or perplex the parties whom they concerned. That the wretch died attesting as true a long tissue of inventions, was afterwards sufficiently proved by a paper put forth under the title of "Truth Vindicated." This document was prepared by sir Robert Clayton, and by the city sheriffs, Bethel and Cornish.*

But, unworthy of credit as the depositions of such a witness might have been, there were certain party uses that might be made of them; and accordingly the pretended dying confession of the delinquent was printed, and widely circulated. It was also an occurrence which augured ill for his majesty's promise to govern according to law during the abeyance of parliaments, that lord Howard—though a grand jury had refused to find a bill against him, though he had given the most unequivocal and solemn protestation of his innocence on receiving the sacrament, and had presented his humble petition to the king, praying for his enlargement, either with or without bail—was still confined a prisoner in the Tower.

With such a prospect before them, it was more than ever important
 Election of that the whigs should endeavour to entrench themselves
 Sheriffs. behind the wealth and power of the metropolis; and to that

* There is reason to believe that the confession of Fitzharris against the liberal party was extorted from him by a secret promise of life, and that when it was deemed inexpedient that he should live, he was induced to abide by his confession for the sake of a maintenance promised to his wife and family. Ralph has treated this intricate affair at considerable length, and concludes by saying—"On the whole, it is every way notorious that Fitzharris never once consulted his conscience in this whole affair, and consequently no part of it deserves any credit from posterity." I. 597—606. State Trials, viii. 243—339.

end, it was of great moment that the persons chosen as sheriffs should be men of popular principles. The election of sheriffs for the present year took place on the twenty-fourth of June, when the numbers were, for the popular candidates—Pilkington, 3144; Shute, 2244; for the court candidates, Box, 1266; Nicholson, 84. In a meeting of the common-hall three days afterwards, when the result of the poll was announced, it was resolved that a petition should be presented to the lord mayor, and an address of thanks to the late sheriffs. In the petition his lordship was requested to adopt his own method of assuring his majesty, that the address lately presented from the city, praying that there might be a speedy assembling of parliament, as the only adequate means of providing against impending dangers, was not the address, as some evil-disposed persons had said, of a few inconsiderable persons, but one containing the humble desires and resolutions of his majesty's true and loyal subjects the citizens of London. In the address to the sheriffs, the same parties expressed their satisfaction with the manner in which those functionaries had acquitted themselves, particularly in asserting the rights and privileges of the city, and in making constant provision for the return of faithful and able juries—provisions which were never more needed than at a time when no degree of innocence was secure against the subornation and perjuries of the popish party and their adherents.*

These proceedings on the part of the city were followed, within a few days, by measures no less vigorous on the part of the court. Stephen College, a joiner by trade, had distinguished himself for some time among persons of his own class by his zeal as an exclusionist. He was now apprehended on the charge of being engaged in a conspiracy, during the sitting of parliament at Oxford, to seize the person of the king, and to change the government. The arrest of College was followed by that of Shaftesbury. The earl was charged with having plotted to depose the king from his crown and dignity, and with having attempted to raise arms for that purpose. The accusers in both these cases were witnesses who had been engaged in the popish plot, and whose recent attempts to exhibit the Irish catholics as having been parties to that design had been favoured by Shaftesbury with more zeal than discretion. In the present altered position of parties, these men, whether prevailed upon by the court, or obedient to the promptings of their own perfidy and selfishness, were found ready to change sides, and to become the accusers of their former friends. This change occasioned a humiliating exhibition of the political morality of the times: men whose depositions had continued to obtain credit among the whigs, while made against the catholics, were now denounced by that party as the vilest of mankind; and, at the same time, the court party, who had been for some time protesting

* Ralph. i. 610, 611.

loudly against the villanies of their accusers, now suddenly pretended to regard them as furnishing the most trustworthy testimony.

The royal officers searched the house of Shaftesbury, seized his papers, and conducted him to the presence of the king in council. The earl there demanded to be brought face to face with his accusers; but that request, which had been complied with in the case of every accused catholic during the progress of the plot, was not assented to in this instance; and it is stated, that when the earl appealed to the council, asking whether their common sense was not sufficient to satisfy them that he could never have been so weak as to have placed himself, in the prosecution of any such scheme, in the hands of such unprincipled coadjutors, no man evinced sufficient confidence to attempt an answer to the question.*

The earl, and College, the protestant joiner, as he was called, were both committed to the Tower. Whiteacre, their solicitor, moved the Court of King's Bench, demanding that the prisoners should be brought to a speedy trial, or admitted to bail. The attorney-general answered that he should not comply with either of these demands; that the Tower was a peculiar precinct, belonging neither to London nor Middlesex, and that the time accordingly for bringing the accused to trial depended on the pleasure of the king. Nor was it enough that this strange and tyrannical pretence should be set up, Whiteacre, whose skill and activity as a lawyer in such cases had rendered him obnoxious, was admonished to restrain his zeal in behalf of his clients, as he would probably have enough to do before long to defend himself; and on the morning of the day previous to that fixed for the trial of College, two officers were sent with a warrant from the secretary of state, to place the solicitor for the prisoner under arrest. The lawyer demanded a sight of the warrant, and insisted on being led by a constable before a city magistrate; and as he made it appear that these demands were according to law, he was conducted accordingly to the presence of the lord mayor. He there maintained that the charter of London provided, that neither the king nor his ministers should execute any judicial process in the city, except by means of its own magistrates; and added that he had therefore surrendered himself into the hands of his lordship, and claimed, should any offence not bailable appear to be chargeable upon him, to be committed, in the usual form, to the city prison. But the mayor referred the decision of the question to the recorder; and the recorder declared the law to be as stated by Whiteacre, but to avoid the responsibility of acting upon his own judgment, solicited the opinion of the lord chief justice: his lordship declined giving any answer, on the pretence that the question did not come within the limits of his commission. In this perplexity the courage of the city

* Burnet, ii. 290—293.

authorities failed them, and Whiteacre was conducted in triumph to the Tower by the two messengers of the secretary of state.*

It was plain, as urged by the prisoner before a committee of the privy-council, that his arrest was not to be attributed to the evidence adduced against him, but to the anxiety of the court to put him out of the way during the approaching trials. He was detained close prisoner in the Tower five months, contrary to law, and notwithstanding several petitions and remonstrances. Occurrences of this nature, which show how little the pledge of the king, to govern according to law, was deserving of credit, will thicken upon us as we proceed.

After this precaution the court proceeded to the trial of College. The witnesses against him were Dugdale, Turberville, and Smith. Serjeant Jeffries endeavoured to fix his opponents in a dilemma, by insisting that to impeach the veracity of these witnesses would be of necessity to give up the popish plot, which rested in so great a degree upon their evidence. But the jury claimed a right in this case to examine the witnesses themselves, and to examine them separately from each other; and the result is said to have been the detection of so much falsehood and contradiction, and of so much corrupt influence, as to justify them in declaring the evidence insufficient, and in returning the bill as was usual in such cases with the word "ignoramus" endorsed upon it.

In the language of the court, this verdict of the Middlesex jury was a denial of justice, and as some of the facts alleged against the prisoner had occurred in Oxfordshire, it was resolved to institute a new trial in that quarter, where a jury of a very different temper might with a little management be obtained. At Oxford, the counsel for the crown claimed to be privately heard before the grand-jury, and by this dangerous and unusual expedient, and other means, the jury was induced to return a true bill. These opposite verdicts, which occasioned much talk and wonder among the people, had been foreseen by the government as the probable course of things. By shedding the blood of College, whose noisy zeal had procured him some notice from Monmouth, and other persons of rank, the court resolved to make the first demonstration of its restored power, and of the fallen condition of its opponents. The prisoner had been allowed the assistance of counsel, and the use of writing materials, while in the Tower; but on his way to the place of trial he was deprived of his papers, which the court adjourned on purpose to examine. By this means he was not only prevented pleading the informality of the indictment, but, humble mechanic as he was, had to face the crown lawyers, after they had thus acquainted themselves with all the points which he had intended to urge, and with the arguments by which he meant to sustain them. He demanded a copy of the panel,

* Ralph, i. 612, 613.

but though usually given to prisoners, that was denied in his instance ; and his witnesses were not allowed to be examined on oath.

In the midst of these disadvantages College acquitted himself with much self-possession and ability. The evidence which he adduced exposed the worthless character of the principal witnesses, all of whom, with the exception of sir W. Jennings, and a person named Masters, were of the same miscreant class. Jennings and Masters deposed, that College, in a fray at Oxford, had received a bloody nose, and that he said on that occasion, "I have shed the first blood in the cause, but it will not be the last." They also swore, that in conversation he had justified the conduct of the parliament of 1640. This was the whole of their evidence. College admitted these facts, but explained his language concerning the shedding of blood, and also his having a sword and pistols in his possession, by showing that he was not the only man who deemed it probable at that moment that the papists might attempt a massacre. With regard to the other witnesses, he showed that every one of them had confessed himself obliged to change sides to avoid starving, and that all had been guilty of attempting to suborn others. In conclusion, he begged the jury to consider that he could not possibly have seized the king alone, and that no conspiracy for that purpose had been proved—the only evidence adduced against him having respect to certain expressions said to have been treasonable, and the expressions which had been so interpreted being confined to the testimony of men whom he had shown to be wholly unworthy of credit. The justice of this view of the case must have been obvious both to the court and the jury ; but the judges—North, Levins, Raymond, and Jones—who formed the special commission for this trial, were not to be influenced by any representations or that nature, and in their address to the jury were careful to comment on such parts of the evidence only as were deemed unfavourable to the prisoner.

It was nearly two o'clock in the morning when this address was delivered. The jury were then refreshed, by order of the bench, with two bottles of sack ; and having withdrawn for about half an hour, returned, and delivered the verdict of—Guilty. This announcement called forth loud shouts from the crowd, which still thronged the court—an exhibition of inhumanity that did not disturb the equanimity of the prisoner, as he had seen enough in the course of the day to make it evident that he had to defend himself in the presence of a bench, a jury, and a populace, alike eager to shed his blood. Nearly a fortnight passed between the sentence and its execution, during which time efforts were made to induce him to save his own life by accusing his former friends, but without effect. Charles, on signing the warrant for putting him to death as a traitor, was pleased to order, as an exercise of clemency, that his quarters should be buried, and not exposed. The poor man estimated this affectation of humanity at its proper value, by coolly

observing, that it mattered little to him whether his remains were eaten by flies or worms. The firmness which sustained him during his trial did not forsake him on the scaffold.*

Aug. 31.

We have seen that the city maintained its ground against the influence of the court in the election of its sheriffs. But concerning the choice of a mayor the citizens were less suspicious; partly because it would not belong to his lordship to panel juries, and partly because the candidate, sir John Moor, though supported by the court party, was regarded as a person of prudent habits and moderate abilities, and not likely to become a party to any bold or mischievous proceedings. Charles was invited to the lord mayor's feast, and the invitation was presented in the usual form by the recorder and the two sheriffs: on which occasion the king replied, that the invitation was very acceptable to him, notwithstanding its being presented by persons so unwelcome as the two city sheriffs. This insult on the whig sheriffs was blazoned forth the next day in the Gazette.

Having succeeded in the mayoralty, the next step of the court was to impair the functions of the sheriffs, particularly in the matter of returning juries. This attack was commenced by Jeffries at the opening of the quarter sessions, who, as chairman, objected to the greater part of the jurymen returned by the under-sheriff, on the ground of their being persons who frequented conventicles, or who came very rarely to church. By the advice of the king, the judges at the Old Bailey pursued the same course, alleging that a statute in the third year of Henry VIII. had given them power in all cases to reform the panel, by excluding some men, and putting in others, purely at their own discretion. But their lordships added, that it was not for the full exercise of this power that they at present contended, but only for so much of it as might prevent persons from taking any part in the administration of the law, who were themselves living in a violation of it, as was the case with all persons who frequented conventicles, or came seldom to their parish church. The sheriffs were perplexed, and demanded time to obtain the opinion of counsel; but the bench complained that it was nothing less than indecent to talk of wishing the opinion of counsel after the court had fully declared the law on the subject, and at length the sheriffs were obliged to submit to a decision which incapacitated the whole body of protestant nonconformists for serving upon juries.†

These proceedings were in the way of precaution to the approaching trial of a person named John Rouse, who had been apprehended with College, and of the earl of Shaftesbury. But notwithstanding what had been done at the sessions in Hickes's Hall, and at the Old Bailey, the

* State Trials, viii. 549, *et seq.* Burnet, ii. 290, 291. Ralph, ii. 625—633.

† Ralph, i. 634. Ibid. i. 635.

grand jury, in the case of Rouse, dismissed the bill against him with an *ignoramus*. Shaftesbury looked forward to his trial with so much apprehension,—as well he might, with the fate of College before him,—that he petitioned the king to grant him his liberty on condition of his going to Carolina, never more to return to England.* But Charles preferred leaving the earl to the course of law. It was not found possible to move the trial beyond the bounds of Middlesex, nor could the judges be prevailed upon to meet the case irregularly, by sitting upon it in the court of verge. Great difficulty also was felt by the court in preparing evidence. Mrs. Fitzharris, a principal witness, suddenly disappeared; and Dugdale had disgraced himself irreparably on the trial of College. In this perplexity great pains were taken, first by two intriguers for the court, named Baines and Booth; afterwards by the secretaries of state, and even by the king himself, to suborn one captain Wilkinson, a needy old cavalier, who had been in frequent intercourse with Shaftesbury about the time of the meeting of the Oxford parliament. But the captain, though he parleyed at first with the court agents, was found proof against all the promises of reward made to him. The government judged that it had proceeded too far in these tamperings with Wilkinson to retreat without danger; and, to prevent the mischief which might follow, an artifice of too common occurrence in that age was adopted;—the man who had refused to become an accuser was himself accused, and committed to prison.†

The day fixed for the trial of Shaftesbury was the twenty-fourth of November. The city sheriffs had been careful to return a jury favourable to the prisoner; and the court, on the other hand, opposed to the expected temper of the jury the most formidable array of legal authority that it could command. The first point insisted on by the officers of the crown was, that the evidence should be heard in court, and not, as was usual, privately before the jury; the object of this measure being, that the public might have the means of judging with respect to the verdict which the jury should return. This point being gained, the indictment was read. According to that document the earl of Shaftesbury had declared that the Oxford parliament was resolved on carrying three measures—the Exclusion Bill; the act against recusancy; and a bill in favour of protestant dissenters: that it was known the king would not give his consent to those measures; and that, in the event of his refusing, the earl, and others, had taken measures to secure his deposition, and to set up a republic. A paper was then read, said to have been found in the earl's closet, and which contained the plan of a political association, by which certain parties might bind themselves to protect the king, preserve the freedom of the constitution, and secure the

* Reresby, 124. Halifax told Reresby that there was evidence enough against Shaftesbury and lord Howard to hang both. 123.

† Burnet, ii. 293, 294. Ralph, i. 638—643.

exclusion of the duke of York. With this paper another was found, containing a list of reputed whigs, under the title of "worthy men," and a list of their opponents, under the title of "men worthy;" language which the court party interpreted as meaning that the former class were worthy of preferment in the state, the latter of being sent to the gallows. As it could not be proved that these papers had ever been acted upon, approved, or even that Shaftesbury was acquainted with their contents, they were introduced, not so much as matter of evidence, as from the hope that the impression produced by them would be generally unfavourable to the earl and his adherents.

The witnesses for the prosecution were Booth, Turberville, Haynes, Ivey, Dennis, and the two Macnamaras; all men, with one exception only, who had rendered themselves infamous by their perjured testimony against College, or on the subject of the popish plot. Their depositions were to the effect of the charges contained in the indictment, but exhibited so many marks of improbability, contradiction, and falsehood, that the judges, in summing up the evidence, betrayed their sense of its weakness by seeming to attach less importance to the statements of the king's witnesses than to the "presumptions" said to have been warranted by the papers found in the closet of the prisoner, though no mention had been made of those papers in the indictment. The jury returned a verdict of *ignoramus*, declaring that the mat- He is acquitted
ters alleged against the accused had not been so shown as ted.
to justify them in putting him upon his trial. This announcement called forth loud acclamations from the crowd in and about the court.*

This result the court saw was to be attributed to the temper of the capital, and to the power of the citizens in the appointment of juries by means of sheriffs chosen by themselves. ing the city
The impediment which had arisen in this case was likely charters.
to arise again, and it was in consequence resolved that the first move in the systematic attack now meditated on the liberties of the country should be made upon that point. Saunders, a lawyer, who was ever ready to make the worst use of his learning, suggested that the charter of London might be seized by a process of *quo warranto*, a mode of proceeding in which the decision would rest with the judges, and not with a jury; and Saunders was made chief justice, that this suggestion might be carried into effect. The charter of London being thus placed in

* That the miserable men who appeared as witnesses on this occasion had been bribed, both directly and indirectly, to the service, is not to be doubted. Ralph, after touching on some particulars of the evidence on this point, says—"It was, indeed, manifest to the whole world that their circumstances were greatly mended; for, no sooner had they taken this new ply—which was as soon as it appeared that the overbearing power of parliaments was at an end—than they appeared in new clothes, had their pockets full, and lived in all the luxury imaginable; which very sufficiently indicated whose implements they were, and from what quarter they received their wages." I. 643—655. State Trials, 759—842. Reresby, 126—128. Burnet, ii. 296—298.

abeyance, it would not be difficult to seize those of other cities ; and the appointment of the future mayors and officers being vested for a time in the crown, it might be possible to secure the election of a parliament subservient enough to place the king in possession of an independent revenue, so as to enable him to dispense with the use of parliaments altogether.

In aid of these objects Charles renewed his negotiations with the king of France, and with a better prospect than ever of obtaining the assistance which he sought from that quarter. Charles renews his negotiations with Louis. He had often implored Louis not to suffer him "to receive the law from his subjects," or to remain in a state of "dependence on the caprice of the house of commons:" but his christian majesty had never shown himself willing to make the degree of sacrifice in favour of his brother of England, which was necessary to his securing the sort of independence he so much coveted. At this juncture, however, the neutrality of England in regard to the politics of France depended on the success of Charles in the struggle to which he had committed himself with his people ; and Louis accordingly saw that the time had come in which it became him to aim at something higher and more permanent than playing the parties of the moment one against the other. Barillon, writing to his master in February, 1681, observes,— "There remains only one difficulty, which is that of putting off for ever the sittings of parliament. I know very well it is a security your majesty has reason to demand, but you promised me, in 1679, to consent that the parliament should assemble, when the king of England should think it necessary for his own interests, provided the subsidies should then cease." Toward the close of March, Charles entered into a private agreement with Louis, by which he found himself obliged to put an end to his alliance with Spain ; and to provide against any interference of parliaments with his plans, on condition of his receiving two millions of livres for one year, and 500,000 crowns for two more years. But though the king of England entered most cordially into this engagement, Barillon could not prevail upon him to attach his signature to it ; and the ambassador states the reason of his failure in this particular, in the following remarkable words :—"It also appears to me that this prince would not dare to make a treaty public, in which he has engaged himself not to assemble parliament : it would be very dangerous to his person, and entirely contrary to the laws of England." So manifest was the treason of Charles II. against the constitution which his oaths required him to preserve, and against the laws which the same sanctions bound him to administer.*

While Charles was occupied with these treacherous negotiations the greatest excitement prevailed, not only in the capital, but in the country at large. The fury of the high church party was stimulated to persecute the nonconformists as the

Persecution of the nonconformists.

* Dalrymple, App. 300, 301.

great allies of the whigs. The old laws of the time of Elizabeth and James I. were enforced against them, by which their frequenting conventicles, or absenting themselves from church, exposed them to heavy fines, and precluded them from appearing as witnesses, from acting upon juries, and from suing for their debts. The enforcement of these obsolete statutes was according to the "express pleasure" of the king, and made way, says Archdeacon Echard, "for all sorts of prosecutions, both in city and country : which in many places were carried on with great spite and severity, where they never wanted busy agents and informers, of which a few were sufficient to put the law into execution. So that, for the most part, the dissenters, this year, and much longer, met with cruel and unchristian usage, greater than any subject had felt since the reformation."* It is said that in Uxbridge alone two hundred warrants of distress were issued about this time.†

At the same time, that these proceedings might not be exposed, the whig newspapers were suppressed, and the conductors of them were committed to prison ; while the agents of the government laboured incessantly, and by the most unscrupulous means, to injure the reputation, and to misrepresent the principles of their opponents. One of this class of persons, sir Roger L'Estrange, was pleased to say that he knew not of what use a citizen's head might be, unless it were to try the temper of a soldier's blade upon ; and the man who published this saying in his own journal, expressed himself from the press almost daily in the same style. From the pulpit the doctrine of passive obedience was published in the most absolute terms : all who presumed to question the soundness of that doctrine were denounced as abettors of rebellion and anarchy ; while numerous addresses were presented to the king, in which a multitude of persons expressed their abhorrence of the supposed association set forth in the papers of the earl of Shaftesbury, and of the conduct pursued by the ignoramus juries.

In Scotland, public affairs received their direction from the presence and temper of the duke of York, and no offence against justice was too flagrant to be committed by the government. The earl of Argyle had given umbrage to James by a display of his zeal against popery. About twelve months afterwards, James called upon him to take the test which had been provided to be enforced at discretion on the members of the privy council. This test consisted of an oath so ambiguously framed, that the duke himself had declared no honest man could take it ; and the earl was so much of the same opinion, that he was disposed to relinquish his seat in the council rather than comply with the demand now made upon him : but persuaded by the bishop of Edinburgh, a person in the confidence of the duke, he at length took the oath, subjoining, in explanation, that he did so only so far as the

* Hist. ii. 1017.

† Kennett's Complete Hist. iii. 393, 394. Ralph. i. 667, 669.

oath "was consistent with itself, and with the protestant religion," not meaning to bind himself against favouring, in a lawful way, any "alteration in church or state that might appear to him expedient, and not repugnant to sound loyalty, and the interest of the protestant faith." The earl of Queensbury had taken the oath before him with a similar condition, and without censure from any quarter; nor did the language of Argyle occasion any observation at the time. The duke, on the contrary, invited him, with a smile, to occupy the seat next to himself. On the next day, however, Argyle was required to give in his explanation in writing, and to sign it, and on that evidence alone the earl was arrested, put on his trial, and declared to have been guilty of treason—the same earl of Queensbury, who had himself attached a similar explanation to the oath, officiating as lord justice at the trial. Argyle was fortunate enough to make his escape from the castle of Edinburgh: Charles and the duke then pretended that there was no intention of inflicting any penalty on the person of the offender; but the sentence afterwards passed upon him declared that he should be put to death whenever apprehended; that his name, memory, and honours, should be extinct; that his posterity should be incapable of honour, place or office; and that his estates, goods, and chattels should be forfeited. So dangerous may it prove, even for wealth and rank to oppose, in the slightest degree, an existing government, however weak intrinsically that government may be, and however tyrannical. It is in consequence of this manifest advantage on the side of the possessors of power, that nothing less than great and protracted suffering is usually found sufficient to put the few or the many on encountering the perils of resistance.*

The solicitude of the duke of York was to see the government of England assimilated in its mode of dealing with such cases to the government of Scotland; and there were not wanting men in both countries capable of sympathizing to the full with his anxieties on that point. It was with this view that an attempt was now about to be made to secure the election of courtier sheriffs, against the will of the citizens. During the serious aspect of affairs in 1680, it had been resolved at a meeting of the common-hall of London, that in future the return of juries should not be left to the under-sheriffs, but, as a greater security against court influence, should be attended to by the sheriffs themselves. Great effort was accordingly made on that occasion to secure the election of persons deemed trustworthy. Before that time it had been a custom for the lord mayor to put one or more persons in nomination for sheriffs, by drinking to them at the Bridge-house feast; and the person, or one of the persons, so nominated, was usually admitted at the meeting of the common-hall as one of the sheriffs of the year. The court party were

Struggle on
the election of
the city
sheriffs.

* Burnet, ii. 309—322. Laing, ii. 109—118. State Trials, viii. 866 *et seq.*

right in maintaining that such was the usage of the city, and that it was of long standing; but their opponents were no less correct in asserting that this usual concession to the mayor was a matter of ceremony only, that many instances of departure from that usage were on record, and that it was not understood by any means as precluding the citizens from their right to nominate and elect the two sheriffs in their meeting of common-hall, whenever the posture of affairs might seem to render such a course of proceeding expedient. Accordingly, the person nominated by the mayor that year was rejected, and Cornish and Bethel, two sturdy independents who served the office, were both of them proposed and chosen by the citizens themselves at their general meeting. If it was expedient that the citizens should resume the exercise of this right in 1680, it was still more needful that they should avail themselves of its aid in 1682. The mayor was a person accessible to court influence; and concerning the temper of the government, the fate of College and Argyle had afforded sufficient indication. The Tories felt that to secure the power of returning juries would be to arm themselves with the amount of terror necessary to the successful prosecution of their plans; and the Whigs felt that the loss of that power would place them wholly at the mercy of their enemies. The struggle, in consequence, was as for existence.

The mayor, sir John Moor, engaged, at the request of the king, to revive the custom of drinking to one of the sheriffs; and Mr. Dudley North, a Turkey merchant, engaged to serve the office if so nominated. In the proclamation convening the common-hall, the lord mayor stated that its object was to confirm the choice which he had made of one of the sheriffs, and to elect the other. It was declared by the recorder, and by the court of aldermen, that the right of electing the two sheriffs pertained to the livery, and that their business in common-hall was to elect both, and not merely to confirm the nomination of either. The time fixed for the trial of this question was, as usual, midsummer-day. On the morning of that day the lord mayor proposed North for confirmation, and Box was nominated by the court party for election. The candidates put forth by the Whigs were Papillon and Dubois. The hall refused, in the most boisterous manner, to confirm the choice of the mayor; the show of hands was declared to be in favour of Papillon and Dubois, and a poll was demanded by their opponents. It soon became manifest that the court candidates had no prospect of success, and before the conclusion of the poll the mayor adjourned the court. But the sheriffs, Shute and Pilkington, questioned the right of the mayor to declare an adjournment until the business of the day should be brought to a close, and they continued the poll.*

* With regard to the power of the lord mayor in a case of this kind, the question had arisen in the course of the present reign, and had been decided by judge Hale, in favour of the livery. "If the lord mayor," said the judge, "should be allowed such

The following day was Sunday. The mayor charged the sheriffs with riot, and Charles committed them to the Tower. The whigs maintained that there had been neither riot nor disorder; that conduct of that nature was much rather chargeable on the mayor, in making his appearance before the court followed by armed retainers, whose insolence showed that they were desirous of creating a pretext for tyranny, by provoking the citizens to acts of violence. It appears also to have been accounted probable that the commitment of the sheriffs would excite so much indignation as to furnish some further ground for extreme measures; but the people were found to be under better management than to play thus into the hands of their enemies. The hall adjourned on Saturday, was re-assembled on the following Tuesday week, when the sheriffs, who had been admitted to bail in the interval, resumed the poll, at the call of the citizens, and in the face of an adjournment declared by the recorder in behalf of the lord mayor, who was absent from indisposition.

At that meeting Papillon and Dubois were declared to be elected; but at a private meeting, two days afterwards, the mayor, whose weakness and timidity prevented his being of one mind for many hours together, proposed that everything done on either side should be considered void; that the four candidates should be nominated anew; and that the citizens should elect the two most acceptable to them. On this plan the defeat of the court party was certain. News of this project soon fled to St. James's, and his majesty and his council now interposed for the protection and encouragement of the chief magistrate, an order being issued from that quarter which required the mayor to proceed anew to the election of sheriffs, and to do so in the manner which ought to have been observed on the twenty-fourth of June last. This order was read to the common-hall. It was censured, and justly, as a meddling of the council with matters, which, according to the provisions of the constitution, did not belong to it; but its effect was to remove the fears of the mayor, and to render him wholly subservient to the court. His lordship's polling book contained the names of Box, Papillon, and Dubois only. The sheriffs opened another, in which North's name was inserted as to be chosen or rejected in common with the others; and the polling commenced in two parts of the hall at the same time on the two different books—the mayor, contrary to usage, superintending the recording of votes in the one place, and the sheriffs attending to their usual duties in the other. The votes in both books, when put together—for some had voted for the popular candidates on the mayor's book from mistake—were, for North 107, Box 1353, and Papillon and Dubois 2700. But as the mayor refused to acknowledge the sheriffs' book as a polling-book

a right of privilege and prerogative, as to dissolve the common-hall without consent and leave of the greater part of the freemen, it would directly tend to the subversion of all the privileges of the city." Ralph, i, 691.

at all, it was easy to declare, on the showing of his own book, that North had been confirmed, and that Box had been elected. Box, from some unknown cause, refused to serve, and the court nominated in his place one Rich, a lieutenant-colonel, in needy circumstances, but distinguished by his zeal against the whigs.

On the day of nomination the hall resounded with the cries of "No Rich! No Election!" The common sergeant announced the name of Rich, but amidst so much noise that very few persons beside those within a yard of the spot where he stood could hear a word of what he said. Having, however, made his announcement, the sergeant retired, and declared to the mayor that Rich was elected, everything having been done for that purpose which it was necessary for the proper authorities to do. The sheriffs protested against this representation; but the mayor, deaf to their expostulations, returned to the hall, and declared Rich elected, and the meeting dissolved. The citizens, however, proceeded to renew their suffrages in favour of Papillon and Dubois, but were at length forced from the hall, and its gates closed against them; and the two sheriffs, as parties to these proceedings, were summoned before the council, and bound in heavy securities to appear on the first day of next term, to answer to such information as the attorney-general should bring against them. On the day when North and Rich appeared to be publicly sworn, Papillon and Dubois were present to oppose them; but care had been taken by the mayor and his faction to fill the hall with the trained-bands, under pretence of keeping the peace; and in the face of the most determined remonstrance from Papillon, Dubois, and such of their friends as could make their way into the hall, North and Rich were sworn, the former being chosen without the slightest sanction of law, and the latter by means of a manifest fraud.*

No mischief was too great to be apprehended from the exercise of power acquired by such means. About this time the duke of York came to England. Pilkington, one of the late sheriffs, was accused of saying that the duke had already burnt the city, and was now coming to cut the throats of the citizens. He was convicted, and sentenced to pay a fine of 100,000*l.*; an amount, which, as it extended to the ruin of the criminal, was directly contrary to the spirit of our laws. Sir Patience Ward appeared as a witness on this trial, declaring that he was present when the words were said to have been uttered by Pilkington, and did not hear them: but some inconsistency occurred in his evidence, which was immediately seized as ground on which to prosecute him for perjury, and by this means his evidence was destroyed, and he was himself sentenced to stand in the pillory.†

* Burnet, ii. 333—336. North's Examen, 595—616. Life of Sir Dudley North, *ubi supra*. Ralph, i. 685—695. Life of Lord Russell, ii. 15—19.

† Burnet, ii. 347, 348.

The same struggle of parties which attended the election of sheriffs was called forth on the election of the next lord mayor, and of the new common-council. The conduct of sir John Moor had taught both parties the importance of securing a person of their own principles as his successor. The court candidates were Pritchard and Tulse; their opponents were Gould and Cornish. On the casting up of the polling-books, which the court party took care should be managed by themselves alone, it appeared that Tulse had no prospect of election; and that Pritchard, in whose favour the greatest possible efforts had been made, was in a minority of twenty-six as compared with Cornish, and of fifty-six as compared with Gould. The defeated party now demanded a scrutiny, and insisted on the removal of a number of names on the ground of disqualification. By this means Pritchard was placed in a majority of fourteen over Gould; and the court could now confide in the most submissive services from the mayor, as well as from the sheriffs of the capital. Already the majority in the court of aldermen was known to be indifferent or hostile to liberal principles; and the court of common council accordingly was the only department of the city administration that was not in the hands of the government. In this last quarter, however, the whigs succeeded, after a severe contest, in retaining a majority.*

The government soon gave proof that it was not unconscious of the strength which it had acquired. The duke of Monmouth, who had recently been entertained with much ceremony by the gentry and others in Cheshire and Staffordshire, was placed under arrest. The new lord mayor and the sheriffs employed themselves vigilantly in suppressing all political clubs and conventicles, and in preventing the circulation of newspapers unfavourable to the policy of the government. The mob on the fifth of November was dispersed; and some who behaved in a disorderly manner, shouting the name of Monmouth, were committed to prison, and fined, or sentenced to the pillory. An order of the king in council prohibited the discharge of fireworks, or the kindling of bonfires, without permission from the magistrates; and the great preparations made for the annual burning of the pope in effigy were thus frustrated. But the new authorities were not so occupied with these severe duties as to find no time for relaxation. On the contrary, it seemed to be their determination, in all connexions, and from day to day, to celebrate the fall of their puritanical predecessors, by the excess of festivity and indulgence; and too many, both among the higher vulgar and the lower, betrayed their willingness to sell their birthright for the mess of pottage which was offered as the price of it.†

But this growing power on the part of the government did not always conduce to harmony among its members. As the chances of spoil increased, the struggle to possess it became more

* Ralph, i. 695, 696.

† Ralph, i. 699, 670. North's Examen, 616, 617

general and earnest, and every man seemed to judge of his claim upon the crown from the measure in which he had dared to contemn the rights of the people for the sake of advancing its power. It was that something might be secured to bestow on persons of this class, that the earl of Anglesey was deprived, on the most frivolous and dishonourable pretences, of the privy seal. The conduct of Ormond, in being a party to this proceeding, is one of the circumstances which reflect so much discredit on the later years of his public life. The privy seal was given to Halifax, much to the displeasure of Seymour, who, though in some respects unacceptable to the king,—and, from the roughness of his manners, to almost every one else,—aspired to that honour, partly on the ground of his personal services, and partly on account of his influence with the duke of York, and also with Hyde and Ormond. On the promotion of Halifax, Seymour withdrew from the council in disgust. His place was supplied by the earl of Sunderland, whose advancement was favoured by Hyde and the duke of York, on the assumption of his hostility to Halifax, although related to that nobleman by marriage. Halifax suspected this design, and sought to weaken the cabal which he believed to be formed against him, by accusing Hyde of malversation in his office as a commissioner of the treasury; and this proceeding becoming known,—not only through the court, but beyond it,—occasioned much passionate talk, some commending the conduct of Halifax as manifesting a high degree of public spirit; while others censured him as affecting a zeal for the service of the king with no better view than to monopolise his favour. That the charge was not groundless, is plain from the fact that when the treasury-book came to be examined, it was found that the three leaves which contained the record of the disputed transaction had been cut out and destroyed. About the same time the lord chancellorship became vacant by the death of Nottingham, and the custody of the great seal was given to sir Francis North, chief justice of the Common Pleas, a lawyer of eminent talents and great activity, who in his language was the advocate of a government by law, but in his practice always took the course which tended to set up a government by prerogative. In prospect of the arbitrary measures about to be prosecuted, sir Francis Pemberton, of whom mention has been made before, was removed from the office of chief justice of the King's Bench, as not being sufficiently unscrupulous to serve the purposes of the court, and sir Edward Saunders, a much more pliant instrument, was raised to the vacant seat.*

During the progress of these changes at court, its opponents looked on with deep mortification and foreboding. From the evening of the day on which the fraud in the matter of the death of the sheriffs was announced as successful, Shaftesbury

* Life of the Right Honourable Sir Francis North, ii. 41, 45, 183. Burnet, ii. 338, 342. Ralph, i. 700—710. Kennet, iii. 396, 397.

deemed it prudent to quit his usual residence, and to conceal himself in the city. He flattered himself that this alarming encroachment on the part of the government would suffice to put an end to the forbearance of the citizens, and that the moment had come in which they might be stimulated to insurrection. But, disappointed in this expectation, and in all the expedients to which he resorted with the view of realising it, he at length made his escape to Holland, where he soon afterwards died, closing in exile, and in all the bitterness of blighted hope, a career in which his great talents and activity had never ceased to render him conspicuous and formidable, but in which the principles were wanting that might have taught him to preserve the consistency and moderation which are so generally necessary to success in the struggle of parties in a civilised state.

The exile and death of Shaftesbury did not appear to have greatly dispirited the popular leaders in the city. Papillon and Dubois demanded from the mayor admission to their office as sheriffs; and in pursuance of an action commenced against his lordship for refusal, they placed the chief magistrate under arrest. But this proceeding was more bold than wise. The enemies of the precluded sheriffs made the natural use of such a proceeding, and many of their friends were forward to disown their conduct in that particular. The mayor was soon released by a counter-process.*

Proceedings were also commenced to put an end to all such litigations, Seizure of the by placing a veto in the hands of the crown on all appointment charter. ments to offices connected with the government of the city. With this view it was alleged that the charter of the city was a grant originally from the crown; that the said grant had been made on certain conditions; that those conditions had been violated; and that the crown might in consequence seize what had thus become a legal forfeiture. Two acts were especially mentioned as having exposed the corporation to this forfeiture—the first was, that they had last year presented a petition to the king in which they lamented the prorogation of parliament, and prayed, for the sake of the public justice of the kingdom, and the preservation of his majesty's person, that it might be speedily reassembled; the second was, that they had imposed certain tolls on commodities brought into the London markets. It was maintained by Treby and Pollexfen, in behalf of the city, that corporations are not liable to forfeiture on account of misconduct in the case of individuals, or of parts of their body; nor on account of illegal acts in the case of the body itself, except by authority of parliament. Individuals convicted of delinquency were liable to punishment by the usual process of law; but as the wealth and immunities of the church were not supposed to be endangered by the fault of any portion of the clergy, the trust and

* North's Examen, 617, 618.

privileges of the capital should be regarded as resting on the same secure basis. With regard also to the acts alleged, it was maintained that there was nothing in them even technically to justify the proceedings attempted to be founded upon them. The petition was a mere echo of the speech which the king had addressed to the two houses, and could not be shown to be illegal, or even indecorous, except on the assumption that the monarch had indulged in the language of hypocrisy; while the tolls at the markets, owed their origin in great part to the same high authority, the king having advised the corporation, after the great fire in 1666, to make better provision for conducting the traffic of the city, it being of course understood that tolls would be imposed to defray the expense incurred for that object. But what availed it to show the insincerity and injustice of these pretences? The inquiry was instituted because it was known that the decision upon it would rest, not with an impartial jury, but with a herd of corrupt lawyers—men raised to their place that they might adjudge the liberties of their country to extinction under the forms of legal procedure. The issue was, that the charter was declared void; and if the citizens were allowed, as an act of the royal favour, to retain their ancient usages, it was as a matter of form only, the veto, the right of nomination, and even of expulsion, claimed by the crown, having deprived them of nearly every vestige of their former independence and power. It is not easy to forbear asking, in this place, what prospect Charles would have had of retaining his crown, if such pretexts as sufficed to deprive the city of its charter had been deemed sufficient to convict him of violating his coronation oath, and to expose him in consequence to the forfeiture of his kingdom?*

After the fate of London no city could deem itself secure, and, seeing that the preservation of their immunities was not to be secured by any possible demonstration of their innocence, not a few of them sought to propitiate the government by the voluntary surrender of their charters to the crown, hoping, as the reward of their subserviency, to receive them again in a less injured state than otherwise. Thus the spirit of the whole country appeared to be suddenly broken and changed. It was natural, however, that the whig leaders should not look on this deep reverse of their party without hope. It was a reaction much too violent not to become the occasion in its turn of a reverse on the other side. The strides made toward the establishment of a universal tyranny were so palpable, and the mockery cast by the ascendant party on everything valuable in the birthright of Englishmen was so incessant and shameless, that, while some fiery tempers were goaded by these circumstances almost into madness, the more calm and reflecting saw in them the prognostics of better days.

* Burnet, ii. 342—346. North's Examen, 624—646. Kennet's Hist. iii. 395, 396. Ralph. i. 712—720.

Some, however, even in the latter class, did not exercise all the circumspection necessary to their safety. The duke of Monmouth discountenanced Shaftesbury's projects with regard to an insurrection, observing that he knew too well the difference between a mob and regular troops to embark in any such schemes. But on one occasion, when the duke was about to hold some conference with Shaftesbury on public affairs, he prevailed on lord Russell, who had come to town on private business, to accompany him for that purpose to the house of one Shepherd, a wine-merchant. Shaftesbury dared not leave his place of concealment, but sent Rumsey and Ferguson, two of his agents, to the meeting. Lord Grey and Sir Thomas Armstrong were also present. Nothing was agreed upon at that meeting: the little that took place at it will presently appear. After the flight and death of Shaftesbury, several persons who were used to be much with him continued to hold meetings in the apartments of one of their members named West, a busy man, whose unguarded talk had occasioned his being sometimes spoken of as an atheist. West was a lawyer, and eight persons are named as frequenting these meetings who were of the same profession, among whom was Goodenough, who had often distinguished himself by his zeal as under-sheriff. Several members of this fraternity were tradesmen, the most important persons being the military men,—Rumsey, who had served as a colonel under Cromwell, and in Portugal; Walcot, a lieutenant-colonel; major Holmes; and Ferguson, a person who appears to have been always occupying himself with plots and intrigues. Lord Howard held occasional intercourse with these men; but the little connexion which subsisted between them and the whig leaders depended for the most part on Rumsey and Ferguson.

The conferences of this party appear to have embraced at times the most treasonable projects. Some of their number appear to have talked of assassinating the king. Goodenough ventured to sound an embarrassed tradesman named Keeling on this business, and Keeling seized the opportunity to mend his fortune by betraying his confederates. That he might secure a second witness, Keeling introduced his brother to the party, and their joint testimony was, that a plot had been formed for enlisting forty men to intercept the king and the duke of York on their return from Newmarket, at a farm-house called Rye, occupied by one Rumbold, a maltster; that this scheme had failed in consequence of a fire at Newmarket, which induced the king to return sooner than had been expected; that the plan of an insurrection was then laid, toward which Goodenough said the duke of Monmouth, and other great persons, were to raise four thousand men, and twenty thousand pounds. This deposition was made before lord Dartmouth and secretary Jenkins; and on the following day, the same witnesses deposed before the council, that Goodenough had told them

that lord Russell was pledged to do his utmost in aid of the design, even to the extent of killing the king and the duke.

Warrants were immediately issued to apprehend the conspirators, but, being apprised of their danger by the brother of Keeling, Arrests. various of them met, and agreed, after some conference, to separate, each man being left to escape or conceal himself as he could. One Barber, a needy instrument-maker of Wapping, was seized, and made confessions which in part confirmed, and in part contradicted, the evidence of the Keelings. West and Rumsey, having made secret communications to the council, and having received intimation that their confessions might serve to recommend them to the king's mercy, appeared as the next witnesses.

Their statements embraced a multitude of particulars, and showed, notwithstanding the confusion and contradiction in which some points were involved, that there had been talk about attacking the king and duke at the Rye-house, and that various preparations had been made in pursuance of that design, but that much remained to be determined upon down to the time when the unexpected return of the monarch frustrated the whole scheme. Rumsey also mentioned his having been present with Ferguson as a deputation from lord Shaftesbury to the meeting held at Shepherd's, when the duke of Monmouth, lord Russell, and the other persons before mentioned, were there; and stated that the object of himself and Ferguson in going to that meeting was to urge, in the name of lord Shaftesbury, that steps should be at once taken to produce an insurrection; but that it was observed by those present that the means of a successful rising were not at their disposal, and could not be commanded suddenly, on hearing which his lordship immediately left England. The next witness examined was Shepherd, at whose house this meeting had been held: he named the persons who were present, and stated that the discourse was upon the best means of securing his majesty's guards, and that the duke, lord Grey, and sir Thomas Armstrong went out in the direction of Whitehall to see in what strength the soldiers were upon duty. There were some material points of discrepancy between the statements of Rumsey and Shepherd, but their depositions were no sooner made than warrants were issued for the apprehension of Monmouth, Russell, Grey, and Armstrong.

Lord Russell was not insensible to his danger. He had said, some time before, that "arbitrary government would not be set Arrest of lord up in England without wading through his blood."* He Russell. was informed that Rumsey had mentioned his name before the council, but as he had always felt a great dislike to that person, and never trusted him, he did not suspect danger from that quarter, forgetting, at the time, the meeting at Shepherd's. Flight would look like a confession of guilt, and he in consequence resolved, after some deliberation with his friends, not to consult his safety by that means.

* Life of Lord Russell, ii. 24.

When arrested, and brought before the council, Charles told him that no one suspected him of being concerned in any design against the person of his sovereign, but that there was sufficient evidence of his being a party to schemes against the government. He was examined on the information of Rumsey concerning the meeting at Shepherd's, who described himself as having urged bringing matters to a speedy issue, and as receiving for answer that the thing was impossible, as Mr. Trenchard, of Taunton, who had promised one thousand foot and two or three hundred horsemen at a few hours' notice, had failed them. Lord Russell declared that he knew nothing of any such message. After his examination he was sent close prisoner to the Tower. On entering his prison, he told his servant, Taunton, that his enemies would have his life. Taunton said, he hoped that would not be in their power. "Yes," answered his lordship, "the devil is loose."* The duke of Monmouth sent to inform him that he was willing to come in and to share fortunes with him, if he thought it might be of service. His lordship thanked his friend for the generous proposal, but replied, that it would be no gratification to him to see his friends die with him. His lordship was afterwards examined by a committee of the privy council in the Tower. He confessed having been at Shepherd's house divers times, and once with the duke of Monmouth, but denied having any knowledge of a consultation tending to insurrection, or to a surprise of the guards, or of any discourse about a rising in Taunton or in Scotland. It is thought that lord Russell might still have contested his life with some prospect of success, notwithstanding the power of the court over both judges and juries, had not the confession of lord Howard followed upon that of the persons already named. Charles said, when Howard's name was first mentioned, that he did not think he could be among the conspirators, as he must have been known to be too great a rogue to be trusted. But on the confession of West a warrant was issued for his apprehension, and he was taken, after a long search, concealed in a chimney of his house. There is reason to believe that from the first appearance of danger it became the aim of lord Howard to save his own life by descending to any degree of treachery against his friends. His confessions embraced a number of particulars, some of them of a date considerably prior to the intended attack at the Rye-house, and others referring to a later period; and those confessions formed the chief ground on which warrants were issued for the apprehension of lord Essex, Algernon Sidney, and Mr. Hampden. Essex was not in good health, and appeared before the council with some confusion of mind; but, with his usual sense of honour, had refused to make his escape when he knew his danger, fearing that his flight might dispose a jury to give greater credence to the evidence against lord Russell. Sidney and Hampden were questioned, but refused to hazard convicting themselves by returning any

* Life of Lord Russell, ii. 24.

answer before the proper time: they would meet such evidence as might be brought against them as they best could, but did not mean to prejudice their case by any premature or inadvertent expressions of their own.

News of these proceedings soon spread through the kingdom. The whigs looked on, and muttered their fears to each other in great consternation; while their opponents, filled with delight, laboured incessantly to set forth the design to assassinate the king in the most odious colours; and, with the usual morality of faction, spared no pains to attach the disgrace of all the intended atrocities at the Rye-house to the whole party. Addresses were again sent to the throne from all quarters of the kingdom by this party, full of the most extravagant expressions of loyalty, and denouncing their adversaries, under every sort of designation, as the most pestilent of mankind.

That prominence might be given in the public mind to the worst features of the plot, it was resolved that Walcot, Rouse, and Trial of Walcot, Rouse, and Hone, should be first brought to trial; and, on the evidence of Keeling, West, and Lee, all were condemned as Hone. guilty of a design to assassinate the king. Blake, a sea-captain, was next put upon his trial, before the same jury, and upon the evidence of the same witnesses, but by direction of the court was acquitted. The object of this prosecution appears to have been merely to prevent Blake from appearing as a witness in favour of Rouse. In all these trials the jury proved to be as passive as the most extravagant loyalist could desire.*

The next day was fixed for the trial of lord Russell. On the morning of that day lord Essex was found dead in his room, with Death of lord his throat cut. There were circumstances which made it Essex. appear probable that his lordship had fallen by his own hand, particularly the melancholy which had seized him of late—less, it seems, on his own account, than on account of others. But circumstances became known afterwards sufficient to justify suspicion of his having been murdered. At present the evidence in favour of the latter conclusion is perhaps as strong as that on the side of the former; but, at the time, the belief was general that the unhappy nobleman had perished by suicide; and the event, being interpreted as a sort of confession of guilt, produced an impression unfavourable to lord Russell.†

During lord Russell's imprisonment his lady employed herself most assiduously in preparing for his trial. On the day before Trial of lord she addressed to him the following note:—"Your friends, Russell. believing I can do you some service at your trial, I am extremely willing to try. My resolution will hold out—pray let yours. But it may be the court will not let me: however, do you let me try. I think, however, to meet you at Richardson's, and then resolve: your brother Ned will be

* Ralph, i. 720—743. Burnet, ii. 349—373.

† Life of Lord Russell, ii. 29—33. Burnet, ii. 373—375.

with me, and sister Marget.”* The noble mixture of firmness and tenderness displayed in this communication does not call for comment of any kind.

The trial of lord Russell took place in the Old Bailey. The indictment charged him with high treason. It alleged that he had conspired the death of the king, and that he had consulted and agreed to stir up insurrection, and to that end to seize the guards appointed for the preservation of his majesty's person. On being required to plead guilty or not guilty, his lordship complained that no copy of the matter of fact laid against him had been sent to him; that he had heard only of some general questions on that subject; and, as he expected witnesses who could not arrive before night, he spoke of the hardship of being forced upon his trial in such circumstances. On being told that the trial could not be put off without authority from the king, his lordship demanded a copy of the panel of the jury, that he might challenge them. It appeared that, in the place of a copy of the panel, a paper had been sent to him through his servant, containing the names of persons who usually served on juries. This his lordship maintained was not a proper copy of the panel, and he requested that his trial might be postponed until the afternoon. Pemberton, the chief justice, would have complied with this request, but he was strongly and rudely opposed on that point by Sawyer, the attorney-general.

Before the jury was sworn, lady Russell, with the consent of the chief justice, made her appearance in the court, to write and to assist the memory of the prisoner. The objection of lord Russell, that no person not a freeholder of forty-shillings a-year should be sworn as juror, was argued by Pollexfen, Holt, and Ward, his lordship's counsel, but was overruled by the court, on the ground that the law in that case did not apply to juries within the city. His lordship objected to more than thirty of the persons chosen; this we must presume was not done without reason, and it sufficiently bespeaks the pains that had been taken in fixing on the names to appear in the list. By an act of the legislature in the first year of William and Mary the exception taken by lord Russell on the question of freehold was declared to be valid, and his trial accordingly illegal. The act of the first of queen Mary, on which the crown lawyers rested their decision, was one repealing all laws creating treasons since the statute of Edward III., but did not at all interfere with the mode of trial.†

* Life of Lord Russell, ii. 34.

† The decision of the judges on the necessity of freehold, at the recent trial of Fitzharris, made their present decision rest wholly on the alleged city-custom, “which was neither proved in fact, nor vouched by any legal authority, as an usage to be judicially noticed by courts of law.”—Phillip's State Trials, 63—73. Life of Lord Russell, ii. 63—65.

The attorney-general, in stating the case, said he was prepared to prove that lord Russell was one of a party who had given directions for a general rising through the kingdom; that this party, of which lord Russell was one, had received several messages from lord Shaftesbury touching the general rising, and had only failed of giving satisfaction to that lord on account that Mr. Trenchard was not found to supply the armed force promised by him at the time mentioned. He was also prepared to show that the prisoner had been engaged in treasonable negotiations with disaffected persons in Scotland. The witnesses produced in support of these charges were Rumsey, Shepherd, and lord Howard. Rumsey deposed that he went at the request of lord Shaftesbury to the meeting at the house of Shepherd, the wine-merchant, before mentioned; that the object of that meeting was to confer about the expected rising at Taunton; that lord Russell, who was present at the debate, was "agreeing to it;" and that a proposal was made to seize the king's guards.

To this the prisoner replied that his presence at the meeting referred to was more from accident than design; and that on seeing some of the persons who were there, he became anxious to withdraw; but that he heard nothing of any undertaking to raise an insurrection, or to seize the guards. Shepherd had deposed that part of the discourse at his house was, how they might surprise the king's guards; that lord Russell was present on that occasion; and that the duke of Monmouth, lord Grey, and sir Thomas Armstrong, having gone out for the purpose of viewing them, Armstrong said, on his return, that they were very remiss, and not like soldiers. There was a second meeting at Shepherd's, when a paper under the name of a declaration was read, but the memory neither of Shepherd nor of Rumsey could serve to say whether lord Russell was at that meeting or not.

Concerning these witnesses, it was remarkable that two men, neither of them devoid of capacity, should have been present at two treasonable meetings within the short space of nine months, and not have been able to call to mind whether a person of so much importance as lord Russell was present on one or both of those occasions! Such a circumstance was surely enough to justify the impression that these persons had made their appearance in the witness-box to exercise their invention, as well as their memory. Rumsey, not long afterwards, was so deeply convicted of perjury, that the court which he served imprisoned him for life as the due punishment of his villany in that form: while the evidence of Shepherd, who said at first that lord Russell was at both meetings, but who could not afterwards be sure on that point, if it be taken apart from that of Rumsey, did not amount to evidence of treason, or of crime in any shape. For, concerning the seizing of the king's guards, he does not say, observes sir John Hawles, that "it was intended to be put in practice. Both the discourses

Case stated by
the attorney-
general.

Lord Russell's
defence.

Improbabili-
ties of the
evidence
against him.

and the persons viewing the guards (which last was not evidence, nor ought to have been given in evidence) might be a matter to try each other's judgments, as well as an evidence of a thing designed; and if it be capable of two interpretations, the law hath said it shall be taken *in meliorem sensum*, in favour of life.*

With regard to the evidence of lord Howard, it related to points so far distinct from those included in the evidence of Rumsey or Shepherd, that legally it was of no weight, as being that of one person only, in a case where at least two witnesses were required. But the character of the witness, in this instance, was still more open to objection. Since the discovery of the plot, his lordship had solemnly and repeatedly denied all knowledge of it, though there is reason to believe that the affair no sooner transpired than he wrote to the court offering his services as an informer. Such was his known worthlessness, that when the swearing away of the lives of other men formed the obvious condition of saving his own, no man should have credited him even upon his oath. Lord Russell had always shown a great aversion to him; and the king himself had not only said that lord Howard was too great a rogue to have been trusted in any treasonable project, but added, that he was "so ill a man, that he would not hang the worst dog he had upon his evidence."†

But upon the evidence of this person mainly did Charles consent to put to death so distinguished a subject as lord Russell. The depositions of lord Howard were lengthy and involved, the true and the false being so mixed together as to make it exceedingly difficult to distinguish between them. They were to the effect that lord Shaftesbury had planned an insurrection in favour of a commonwealth; to which the duke of Monmouth and lord Russell were in some sense consenting, though disagreeing with that nobleman as to time; that after the flight of Shaftesbury a

* It should be distinctly remarked that, according to Rumsey, the proposal to seize the guards, and the discourse about a declaration, took place at the same meeting. Shepherd, on the contrary, was positive that the talk about the guards occurred at one meeting, and that about the declaration at another; but he could not be certain that lord Russell was at both; nor, when pressed, could he be positive whether his lordship was present at the first of those meetings or the second. Thus there was no agreement between them on the points where it was necessary to the validity of their evidence. Shepherd deposed nothing as to the message said to have been brought to the company from Shaftesbury by Rumsey, nor as to the answer; on the other hand, Rumsey's depositions concerning the discourse about seizing the guards, and about the declaration, were so obscure, that he seemed to be incapable of separating between what he had witnessed and what he knew only from hearsay. In touching on these discrepancies it may also be worth while to ask, if the treasonable topics mentioned were likely to have been all gravely taken up in succession, and to have been agreed upon, in the space of a quarter of an hour, for the meeting, according to Rumsey, was not of a longer duration. Is it probable, either, that Shaftesbury would have abandoned his schemes in despair as soon as Rumsey returned to him, if that person had been able to report that the party he met was so far from being indifferent to action, that the duke and others had gone forth to reconnoitre the guards with a view to an attack upon them?

† Life of Lord William Russell, ii. 21, *et seq.* Ralph, i. 721—745.

council of six was formed, including the duke of Monmouth, lord Essex, lord Russell, Algernon Sidney, Mr. Hampden, junior, and himself; and that two conferences took place between these parties, one at the house of Mr. Hampden, the other at the house of lord Russell, on the subject of a rising both in England and Scotland, agents being sent into the latter kingdom in prosecution of that object. Lord Russell replied that he had met the witness but twice, that on both occasions it was without any "formed design, only to talk of news and things in general." He intimated that lord Howard was a person of voluble tongue, talked well, and that his friends were pleased in listening to him. It will be observed that his lordship's evidence had nothing to do, except very remotely, with the meetings at Shepherd's; that his testimony concerning matters previous to the two meetings to which he was himself a party consisted of mere hearsay; and that his account of the proceedings at those meetings rested on his own evidence only.

Before calling his witnesses, and addressing the court, the prisoner demanded to know by what law he was to be tried. If by the statute of the 13th of Charles II., which made it treason to conspire to levy war, the proceedings against him were illegal, as by the provisions of that law the prosecution should be instituted within six months from the time of the alleged offence; and if judgment was to be given according to the more ancient statute, the 25th of Edward III., it was not the design of levying war that could be construed as treason, but the overt act indicating the imagining of the king's death. The attorney-general answered that the prosecution was on the statute of Edward III., according to which, as had often been determined, any preparing of forces against the king was to be regarded as evidence of a design upon his life. The lord chief justice, in summing up the evidence to the jury, concurred in this representation, describing the alleged act of contriving rebellion, and the design to seize the royal guards, as showing an intention to seize and destroy the king. The jury, assuming these allegations to be proved, acted on the instructions thus addressed to them, and returned a verdict of guilty.*

Lord Russell's
exception to
the proceed-
ings.

He is con-
demned.

*Mr. Fox expresses himself on this point of these proceedings as follows: "That which is most certain in this affair is, that they had committed no overt act, indicating the imagining the king's death, even according to the most strained construction of the statute of Edward III.; much less was any such act legally proved against them; and the conspiring to levy war was not treason, except by a recent statute of Charles II., the prosecutions upon which were expressly limited to a certain time, which, in these cases, had elapsed; so that it is impossible not to assent to the opinion of those who have ever stigmatised the condemnation of Russell as a most flagrant violation of law and justice." *Reign of James II.*, p. 47. Roger North, speaking of the rumour which spread through the court concerning the death of lord Essex, says, "Neither direct nor indirect use was made of the accident, so as to touch the prisoner,"—a statement made in the face of the unquestionable fact that Sawyer in the opening of the trial, and Jefferies at the conclusion of it, made just the most unfair use they could possibly have made of that event to prejudice

Much effort was made to save the life of the prisoner. With that view the aged earl of Bedford sent a short but affecting petition to the king. Lord Russell was himself prevailed upon by his wife and friends to petition both the king and the duke, offering to become a resident for the remainder of life in any part of the world it might please them to name, and pledging himself to have no more to do with public affairs. But James was inexorable; and Charles, that he might become the tool of the revengeful temper of his brother with the better grace, affected to believe that to spare the life of lord Russell would be to endanger his own. Their victim was in no way disappointed by this result. He had considered his life as gone from the moment when he saw that it would be placed at the mercy of his enemies. He spoke of being much concerned at the cloud which seemed to be gathering over his country, but said he was not without hope that his death would do more toward bringing on better days than could be done by his life. In taking leave of his friends, his wife, and his children, his tenderest feelings were controlled by his usual good sense, and by his enlightened Christian principles. On the night before his execution he slept soundly from the time of his retiring to rest until called at the appointed hour in the morning.

At the place of execution, which was Lincoln's Inn Fields, he declared, in the words of a dying man, that he knew nothing of any plot, either against the life of the king or the government. A large crowd was assembled; many were in tears; but his lordship's self-possession served him to the last. Having attended to the offices of religion, he put off his coat, waistcoat, and the cravat from his neck, without any change of countenance; and, having placed his neck upon the block, at the second stroke of the executioner his head was severed from the body. When his head was lifted up by the executioner, a deep groan came from the hearts of the multitude, in place of the exultation usual at the death of traitors. Thus died William lord Russell in the forty-fourth year of his age.

Printed copies of a paper which he placed in the hands of the sheriff on the scaffold were cried about the streets within an hour from the moment of his execution. In that paper he vindicated his public conduct; exposed the illegality and injustice of the sentence passed upon him; and while admitting, in regard to the great point urged against him, that there had been some talk in his hearing about the feasibility of seizing the king's guards, he repeated that no discourse of that nature had ever ripened into a design, or had ever been indulged in his presence but to be at once discountenanced by himself and others as detestable.

That lord Russell had suffered himself to become mixed up, with less

the jury. But the 'Examen,' a professed corrective of the spirit of party, affords one of the most flagrant examples of that evil in the history of our literature.

caution than prudence would warrant, in the schemes of men who shared little in his own spirit of moderation and integrity, is manifest; but that he died as a martyr to the liberties of his country, and not as a traitor to its laws and interests, is no less evident—for who can hesitate to choose between the credibility of the witnesses in this case, and that of the language put forth by the illustrious sufferer as with his parting breath? And if the statute of the 25th of Edward III. be dispassionately read, as little room is there to doubt that all constructive treasons founded upon that enactment, however much favoured by lawyers holding their office at the pleasure of the crown, have been so many instances of injustice.*

The day on which lord Russell was beheaded the university of Oxford published its memorable decree concerning the unlawful- Oxford decree. ness of resistance. In this decree, twenty-seven propositions, collected from a number of writers, catholic and protestant, were condemned as “destructive to the sacred persons of princes, their state and government, and of all human society.” It must be confessed that some of the propositions cited were truly of this nature and tendency; but the extravagance of the fanatic, and the wisdom of the enlightened statesman, were artfully confounded by the authors of this decree, in order that both might be involved in the same proscription, and that the way might thus be made plain towards the announcement of their formal conclusion—namely, that resistance to the civil power is in all conceivable cases unlawful, treasonable, impious, and deserving of capital punishment.†

While the learned persons in Oxford were employed in framing this decree—a decree which, to the honour of their patriotism, The government declaration concerning the plot. if not of their consistency, they were soon afterwards forward to violate—the court was exercising its skill no less earnestly in preparing a declaration, the object of which was to give a laboured prominence to the atrocities imputed to the Rye-house conspirators; to represent those atrocities as the natural effect of the whig doctrines; and to fasten the disgrace of these proceedings on the whole whig party, confounding the intentions of Russell and Sidney with the deeds meditated by such men as Rumsey and West. This paper was circulated through the kingdom; read aloud on

* In some points the hardship of lord Russell's case was to be imputed to the state of the law, and not to that leaning toward arbitrary power which, with some noble exceptions, has been too observable in the history of the interpreters of the law. His lordship was not allowed the assistance of counsel to argue the law in his favour, without admitting the facts which had been sworn against him. Thus he was obliged to admit allegations as true which he declared to be false, or to forego the benefit of having the law of treason expounded and applied by counsel in his favour. This case did much perhaps toward bringing about that change in the law in this respect which took place after the Revolution, and which has since supplied so memorable a field for the display of forensic eloquence and patriotism. Howell's State Trials, ix. 578—683, 1010.

† Somers' Tracts, viii. 420, *et seq.*

two successive Sundays from the pulpit of every parish church; and its effect, aided as it was by the comments of the clergy, was such as no wise lover of his country could have looked upon without sorrow and alarm. The national sentiment appeared to have undergone an almost entire change. If we except the period of the Restoration, no such appearance of reaction in the popular feeling had ever occurred in our history. That the declaration might carry with it all the weight of a religious document, a new prayer, or thanksgiving, was prepared to be read in all churches on the Sunday when that paper would be read a second time; and in many places the day was one of great pomp and festival, the smallest parishes generally emulating the greater in some visible expression of their loyalty, and of their joy that "the fanatic rage and treachery of wicked and ungodly men," who had set apart "the king, his royal brother, and loyal men of all orders and degrees, as sheep to the slaughter," had been disappointed.*

In the city Charles did according to his pleasure. The citizens, indeed, could not be prevailed upon to attach the formality of their signature to the surrender of their long-chartered rights; but they dared not resist the encroachments of the sovereign, though the government of the city was taken wholly into his hands, and its functionaries were disgraced or honoured in a manner which showed that the king was not only aware of his power, but had resolved on using it so as to ensure the permanent suppression of all popular freedom.†

In the midst of these excitements came on the trial of Algernon Sidney. During the trial of lord Russell, Pemberton, the chief justice, incurred the suspicion of being more favourable to the prisoner than became him as the expected tool of the court; and Jefferies, who had been far from displaying any such weakness on that occasion, was soon afterwards raised to that dignity, a further vacancy having occurred in the death of Saunders. No man needed information concerning the vices of this court favourite. His ability was much more natural than acquired, but sufficed to enable

* The language cited is from the prayer for the occasion. It was deemed the more necessary to practice thus on the credulity and weakness of the people, as a very opposite impression was likely to be made by accounts of the manner in which lord Russell had conducted himself during his sufferings, and particularly by the paper which he gave to the sheriff on the scaffold, and which had passed so suddenly into the hands of the people. Men who were prepared to write anything for which there would be payment, assailed that paper in the coarsest and most violent terms. Sir Roger Lestrangle, a man whose unscrupulousness, and powers of abuse, placed him at the head of all persons in that vocation, described the paper adverted to as "the panegyric of a pedant, instead of the confession of a penitent;" and as "the last prayer and agony of a dying Christian, dissolved into a flood of calumny and bitterness against the church and state." It is sad to judge of the feeling of political parties from the food which is catered for it—and yet how can we avoid doing so?

† Ralph, i. 718—720, 770.

him to acquit himself with some propriety in the ordinary duties even of that high trust. In all cases where the pleasure of the court was concerned, his disregard of truth, of justice, and even of humanity, was almost incredible as found in a person raised to such a station. Burnet describes him as scandalously vicious, as being drunk every day, regardless of decency, and even of the appearance of being impartial.* Roger North, who rarely thought that any appointment which favoured the pretensions of the crown could be a vicious one, speaks to the same effect. We learn from the last authority, that the only men who could hope to obtain fair treatment from the hands of the new chief justice, were those who had some means of appealing either to his hopes or his fears; that his delights were in the extravagances of the bottle; that from the bench he often indulged in "a scolding Billingsgate language, such as should not proceed out of the mouth of any man;" and that even the ties of private friendship were of no avail against his frequent passion for injustice. The placing of such a man in such an office was regarded by all well-meaning persons as an evil omen.†

Sidney had been a close prisoner in the Tower since the middle of July. This delay of nearly four months on the part of the Trial of Sid-government was not the result of any disposition toward mercy, Nov. 7. On the contrary, the whole of that space had been sedulously employed in endeavouring to procure the aid of such witnesses and instruments as might leave the accused without any possible means of escape. But it was at length found that the number of witnesses was not to be increased by any offer of pardon or reward—a tolerable proof that nothing very definite had resulted from the alleged conferences of the conspirators.

In the indictment, the prisoner was charged with contriving to stir up war and rebellion for the purpose of subverting the government, deposing the king, and putting him to death. The facts charged upon him as evidence of these designs were his having been a party to several consultations with that view; his having sent one Aaron Smith to Scotland to confer with evil-disposed persons in that kingdom; and his being the author of a manuscript treatise on government found in his study, in which, among other treasonable matter, it was declared "that the people of England, in electing a parliament, delegated their own power to that body; and that a sovereign is responsible to God as he is a man, and to his people as he is a sovereign."

Having listened to the indictment Sidney complained of being obliged to plead against a document in which matters widely different in their nature and in law were so mixed together, and so overlaid with a verbose rhetoric and invective, that to separate them, so as to give them any

* Own Times, ii. 400.

† Examen. Evelyn describes Jefferies as "of nature cruel, and a slave to the court;" and as having served his employers "on all the hardest occasions." i. 617.

distinct and intelligible shape, was almost impossible. He demanded three things—a copy of the indictment, the benefit of council, and a fortnight to prepare for his trial. The last request only was complied with; the two former being declared contrary to law.*

When brought to the bar a fortnight afterwards, Sidney renewed his demand for a copy of the indictment, pleading the statute of the 46th of Edward III. But he was told that the judges, in the case of sir Harry Vane, and of lord Russell, had declared the law to be otherwise: and was admonished abruptly that no more time could be spent “in discourses to captivate the people.” On the reading over of the panel, the prisoner challenged the names of several persons, on the ground of their not being freeholders; but the objection, as in the instance of lord Russell, was not admitted, exception being made in favour of a city jury.

Sir Robert Sawyer, the attorney-general, stated the case for the prosecution; and the counsel for the crown proceeded to call their witnesses. The first witness produced was West, who was required to give an account of “what he knew concerning the general insurrection intended in England.” Sidney prayed that the depositions of the witness might be confined to such matters as related to himself, and that his case might not be prejudiced by its being mixed up with matters in which he had no concern. In reply, Jefferies assured the prisoner that nothing but legal evidence should be admitted against him; and in defence of the insidious course to be pursued, observed that it had been usual in all the trials for the popish plot. West then entered upon a narrative of things which he had heard concerning designs imputed to Lord Shaftesbury and Colonel Sidney, his informants being one Walcot, who had been attainted of treason; Rumsey, who had appeared with himself as a witness against lord Russell; Ferguson, the Rye-house conspirator, and a person named Nelthorpe. His long hearsay testimony was concluded with these remarkable words—“As to the prisoner in particular, I know nothing, and did never speak with him till since the discovery.” Rumsey’s evidence consisted in the same manner of mere hearsay, or of

* Sidney insisted, as an argument for being furnished with a copy of the indictment, that the document might be erroneous and vicious, and as such not proper to be answered,—a fact which the prisoner could have no adequate means of ascertaining, if a copy were denied him. The chief justice, however, overruled this claim. “The rejection of this plea, which was a plea in abatement, and stated exceptions to the indictment, could not be justified. A plea in abatement of the indictment, before the plea of not guilty, is the undoubted right of the prisoner; and was so long before Sidney’s trial.” *Phillip’s State Trials*, ii. 89. “Nor was it true as affirmed by the chief justice that the prisoner placed his whole case on the plea so taken up, so that judgment of death would at once pass upon him if that plea should be found invalid.” “Such pleas are of little avail, indeed, because, if the exceptions are material, a new bill may be sent before the grand jury; and the same exceptions may be taken after the trial as before. But still it was the undoubted right of the prisoner to take exceptions to the indictment before he pleaded not guilty.” *Ibid.* 89, 90

matters of fact with which it was not pretended that Sidney had any connexion. What is worthy of observation, too, the things which West said he had learnt from Rumsey, Rumsey declared had been first told him by West! Sidney, apologising for the liberty, had interrupted West in giving this sort of evidence, which, in fact, was no evidence at all, but had been silenced with some severity by the chief justice. When Rumsey had concluded his statement, the prisoner requested to know whether it was the ordinary practice to receive evidence of this nature from persons whom the accused had never seen or heard of in his life? "This," said the chief justice, "does not affect you; and so I tell the jury." Sidney made the obvious reply—"it prepossesses the jury," but the course, manifest as was its injustice, was persisted in. The evidence of Keeling was of the same nature, and of course exposed to the same objection.

Lord Howard next made his appearance, and after some affected expressions about "the natural uniformity there is in truth," as evinced in the sameness of the evidence given by the gentlemen who had preceded him with that which he was himself prepared to furnish, he proceeded with a long artificial discourse, the substance of which was, that, in the January preceding, a select council was appointed, consisting of himself, the duke of Monmouth, lord Essex, lord Russell, Algernon Sidney, and Mr. Hampden: that the object they had in view was to give effect to an enterprise which had been devised some time before, but of late had moved slowly. The first meeting was at the house of Mr. Hampden. The witness could not remember the order in which the parties discoursed; but the result was, that they should then settle the points which were afterwards to receive their particular attention; these related to time, place, and the persons fitted to be employed. Some opinions were expressed, but nothing was resolved; the points for consideration were committed to their thoughts to be digested afterwards. They were also to consider what magazines might be procured, and of sums of money to be raised. Another point, to be afterwards considered, related to the best means of holding communication with persons of the same mind in Scotland. The next meeting was at lord Russell's, about a fortnight subsequent, when the same parties conversed about the leading principles on which they should act, and it was agreed, in order to raise a commotion in Scotland, that lord Melvin, sir John Cochran, and two gentlemen named Campbell, should be invited to join the party in England; and, at the recommendation of Sidney, Aaron Smith was sent on that errand.

Sir Andrew Foster proved that sir John Cochran and the two Campbells came up from Scotland soon afterwards; and that so soon as the rumour of a conspiracy went abroad, they absconded. Atterbury also spoke as to the fact of their absconding.

Next followed the proceedings to prove that the manuscript treatise

before the court had been found in the prisoner's study; that it was in his hand-writing; and that, inasmuch as it taught the responsibility of sovereigns to their subjects, and the right of resistance, it should be regarded, not only as containing treasonable principles, but as being in itself evidence of a compassing and imagining the death of the king! The work was a formal answer to sir Robert Filmer's *Patriarcha*—a book published long before in support of the extreme non-resistance principle.

Among the witnesses called by Sidney to impeach the testimony of lord Howard, were the lords Anglesey, Clare, and Paget, who were supported by similar evidence from Dr. Burnet, and from Tracey, Penwick, and Blake. According to the oaths of these persons, the matters to which lord Howard had sworn were contrary to declarations which he had repeatedly and solemnly made; and their evidence, as a whole, went to exhibit the witness for the crown as a person disposed by the hope of pardon to perjure himself in any degree that might be necessary for that purpose.

Sidney defended himself with the ability and courage which he was known to possess. Though frequently interrupted by the chief justice, and diverted from the intended course of his observations, his temper and self-command were undisturbed throughout the trial. He declared with much solemnity, that so far had he been from entertaining the design imputed to him, of destroying the king, that he was certain no man who knew him could suspect him of such an intention. Added to which, the charge was as unfounded in legal proof, as it was false in fact, not a thought having been expressed by him that could give colour to it. With regard to the alleged conspiracy to levy war and raise rebellion, he urged, in point of *law*, that such a conspiracy, were it made out, would be no proof of a design to take away the life of the king, such a result being no necessary consequence of a design of that nature; and as to the *fact* of his having been a party to any such scheme, the only witness against him was lord Howard, whose testimony was insufficient in law, as it was that of one witness only on a charge of treason, and altogether unworthy of credit as proceeding from a man who had been detected in contradicting himself in a number of particulars, and was known to be engaged in endeavouring to save his own life by swearing away the lives of other men. He admitted that the meetings to which lord Howard deposed had taken place, but affirmed that the discourse on those occasions was at large, on what was likely to happen, and on what might or might not be done, but did not extend to the formation of a settled plan of any kind.

But the evidence thus worthless in law, was to be patched up by means of extracts taken from private papers. With regard to the treatise from which those extracts were made, the writing of it was not proved upon him, and if proved, it was not a crime. It would be the extreme of injustice, and contrary to all law and reason, to charge him

with a treasonable design, for having in his possession such speculative writings—papers found in an unfinished and imperfect state, written many years before, nor proved to have been shown, or seen, or intended for publication; not composed with a view to any particular occasion, or to any individual government; not connected with any political plan or design, nor of a character likely to excite rebellion; but a mere political argument, written on general principles, and intended solely to oppose the dangerous tenets of a certain political writer. What could be more absurd than to regard such papers as evidence of some present treasonable design? What could be more unjust than to select scraps from such papers, and to use them so as to convey an impression which the argument as a whole would never have conveyed? To think, and to commit his thoughts to writing, was the privilege of every man; nor should he be deemed responsible for them to any person or to any law, so long as they remained private memoranda and had not been imparted to others.

Finch, the solicitor-general, and chief justice Jefferies, laboured to efface the impression which there was room to fear might have been made by this vigorous defence. The former insisted, that the evidence supplied by the papers found in the study of the prisoner was greater than could have been furnished by any second witness, as it not only demonstrated that the author was capable of overt acts of treason, but showed him to be a traitor in all the fixed principles of his mind! The conduct of Jefferies in this case has been universally reprobated. "His summing up exhibits a complication of such gross perversions of law as are not to be paralleled in any other state trial on record. To mention only a few particulars:—he declared to the jury that the hearsay evidence of persons who were strangers to the prisoner was admissible as a legal proof of a general conspiracy, and as confirmation of the general narrative of the witnesses; thus attributing to it the utmost possible effect. He held it to be law that if one witness prove an overt act of treason, and another witness prove a circumstance in confirmation of the former, (though not in itself of a treasonable nature, but perfectly indifferent,) there would be two sufficient witnesses to prove the treason. He relied on the conviction of Lord Russell as an argument for the conviction of Sidney. To conclude, he laid down, in the strongest terms, that the papers found in Sidney's study were competent and sufficient evidence of the treason charged in the indictment."* Through his whole speech he was at great pains to answer every argument urged by the prisoner in his defence, and to press every topic of attack against him to the utmost, in place of observing the impartiality proper to the judge. The jury then withdrew, and in about half-an-hour returned with a verdict of guilty.†

* Phillip's State Trials, ii. 91—110.

† The following passage will show the opinion of moderate men even at the time

Sidney was brought to the bar to receive judgment on the twenty-sixth of November. He urged again the objections which he had before taken, and which were again overruled. When judgment for high treason was pronounced, he exclaimed, "Then, O God! O God! I beseech thee to sanctify these sufferings unto me, and impute not any blood to the country, nor to the city through which I am to be drawn. Let no inquisition be made for it; but, if any, and the shedding of innocent blood must be revenged, let the weight of it fall only upon those who maliciously persecute me for righteousness' sake." Jefferies, on hearing these words, said, "I pray God to work in you a temper fit to go into the other world; for I see you are not fit for this." In reply to this idle observation, Sidney stretched forth his hand and said, "My Lord, feel my pulse, and see if I am disordered. I bless God I never was in better temper than I am now."

No writer of any reputation has attempted to justify the conduct of the government toward this illustrious sufferer, but great pains have been taken to give prominence to certain points in his character and history, regarded as affording some explanation, and perhaps excuse, for the severity of which he complained. Hence we are reminded of the zeal with which he had employed himself in the cause of a commonwealth before the Restoration; of his alleged conspiracies with the republican party during his seven years of exile after that period; and particularly of his ingratitude in plotting against the king, and in meditating civil war as the means of setting up his idolised commonwealth, after he had solicited the royal clemency for pardon, and had obtained it; all these circumstances, together with the fact that the sentence passed upon him was that of a court of judicature, have been represented as sufficient to show that any exercise of mercy toward him on the part of the crown might have been an act of generosity, but could hardly have been a matter of very obvious duty.* But surely it should be remembered, that zeal in the cause of republican institutions is not in itself a matter to be punished; that the pardon procured by Sidney was obtained in 1677, when there was little prospect that the king would set himself, as he manifestly did in 1683, to destroy all those liberties of the subject which he was sworn to protect; that if Sidney was indebted to Charles for a pardon, there had, it appears, been some occasion on which

on the subject of this trial. Speaking of a wedding in the city, Evelyn says, "There was the lord Mayor, the sheriff, several aldermen, and persons of quality; above all, sir George Jefferies, newly made lord chief justice of England, with Mr. Justice Withens, who danced with the bride and were exceeding merry. These great men spent the rest of the afternoon until eleven at night, in drinking healths, taking tobacco, and talking much beneath the gravity of judges that had but a day or two before condemned Mr. Algernon Sidney, on the single testimony of that monster of a man lord Howard, and some sheets of paper taken in Mr. Sidney's study, pretended to be written by him, but not fully proved, nor the time when, but appearing to have been written before his majesty's restoration, and then pardoned by the act of oblivion—it was thought he had very hard measure." i. 566.

* Hume. *Hist. ubi supra.*

Charles was indebted to Sidney for the preservation of his life; that with regard to meditating civil war in favour of a republic, the charge is not proved, the conferences of the accused parties, according to the last words of Russell and Sidney, never having led to any formed plan, but ended in talk of things in general; and concerning the sentence in this case as proper to be executed because it had been pronounced by a court of judicature—who does not know that the bench and the jury-box were occupied by men placed there by the policy of the court, in order that they might carry into effect the pleasure of the crown in doing as they had done?

Sidney was son of the earl of Leicester, the earl of Halifax was his nephew by marriage. Through that nobleman he sent a petition to the king, praying for an interview, and expressed himself willing to endure the utmost penalty of the law if he did not make it appear that his pardon would be an act, not of mere mercy, but of justice. Jefferies and others became alarmed: but their influence prevailed, and Charles refused the petition, and signed the warrant for execution. When read to the prisoner by the sheriffs, he admonished them, with much dignity, to bear in mind the account they would have to render, for having deprived him of justice and of life, by filling the jury-box with his enemies. One of them, it is said, was moved to tears.

On the morning of the eighth of December Sidney appeared on the scaffold at Tower Hill. His deportment was such as became his rank and his high endowments. He said little. His execution. The prayer which he offered was short. Having given a paper to the sheriffs containing the expression of his last sentiments, he laid his head upon the block, and with one stroke of the axe it was severed from the body. Such blood is rarely shed in vain. Sufferings of this conspicuous and affecting nature seem to be at times necessary, as means of perpetuating among a free people their proper hereditary hatred of tyranny.*

The evidence against Mr. Hampden was confined, as in the case of Sidney, to the testimony of lord Howard. But the government had not the same reason for putting that gentleman out of the way, and contented itself with imposing on him a ruinous fine, not less than forty thousand pounds.† 1684.
Trials of
Hampden and
Holloway. Holloway, a merchant of Bristol, and sir Thomas Armstrong, left the country when the rumour of the Rye-house conspiracy began to get abroad. The former was apprehended in the West Indies, the latter in Holland. Twelve months were given to these persons, in the king's proclamation, as the time in which they must surrender themselves, or forfeit the benefit of trial, and be treated as outlaws. Both had been seized before the expiration of that term. Holloway obtained a sort of trial;

* Howells's State Trials, ix. 823—903.

† Mr. Hampden was the grandson of the memorable John Hampden.

but the same privilege was denied to Armstrong, though distinctly pledged in the proclamation. Holloway confessed that he had been present at meetings of the Rye-house conspirators, but threw himself on the king's mercy, pleading that he had never approved of the project to assassinate the king, though he had heard discourses on that subject. The plea of the prisoner, however, did not avail him: he was condemned and executed. With regard to Armstrong, "it was apprehended that sufficient evidence of his guilt could not be produced; and that even the partial juries, which were now returned, and which allowed themselves to be entirely directed by Jefferies and other violent judges, would not give sentence against him."* The king, however, had conceived a great enmity against this gentleman; and he was accordingly delivered to the mercies of Jefferies, to be dealt with as an outlaw.

When brought before that functionary, Sir Thomas pleaded the statute Of sir Thomas 6th of Edward VI., which gives the outlaw the benefit of Armstrong, trial, if claiming it within the first year of his outlawry. June 10.

Jefferies maintained that this provision might be pleaded by persons who surrendered themselves, but not by persons who were apprehended—a vicious distinction, which overlooks the fact that, until the twelve months have expired, it is not possible to say that the accused party does not mean to surrender himself. The prisoner dwelt on this point, observing that the meaning of the statute was plain. "Yes," said Jefferies, "and so it is very plain that you can have no advantage by it." The chief justice then turned to an officer in the court, and added, with an atrocious air of indifference, "Captain Richardson, you shall have a rule for execution on Friday next." There was a daughter of the prisoner near the bar: the sight of a parent exposed to such treatment was more than she could bear, and she exclaimed aloud, "My lord, I hope you will not murder my father! This is murdering a man!" Jefferies, in a rage, ordered her to be committed, when she again fixed her eyes upon him, and added with the same passionate utterance, "God Almighty's vengeance light upon you!" When the unhappy woman was removed, his lordship spoke of being grateful to God for making him "clamour-proof." Sir Thomas complained that he had been robbed of all his money by those who had seized him, so that he had not the means of procuring legal advice; and concluded with observing, "I ought to have the benefit of the law, and I demand no more." The chief justice answered, "And that you shall have, by the Grace of God. See that execution be done on Friday next, according to law. You shall have the *full benefit* of the law." Nor did this fiendish buffoonery, in the person of a judge, end in mere threatening.

On the day of execution Armstrong was dragged upon a hurdle to Tyburn, and there, in the presence of the guards
His execution. whom he had once commanded, the sentence of the

* Hume, viii. 199.

king with whom he had been frequently associated in his most familiar hours, was executed upon him in all its literal barbarity. His bowels were taken out and burnt; his body was divided, and the quarters exposed. The courage and self-possession which the sufferer displayed under these indignities and tortures, filled many of the spectators with admiration and pity; and the court appears to have become somewhat aware by this time that it was beginning to lose ground as the consequence of multiplying such scenes.*

Not long afterwards, indeed, an attempt was made to convict a merchant named Hayès of high treason, on the ground of his having remitted money to Armstrong when in Holland; and the judges descended so far as to use all their influence and authority to extort a verdict of guilty from the jury on that pretence; but so manifest was the iniquity of the proceeding, and so able was the defence made by the accused, that the verdict returned was one of acquittal. The jury, in the case of sir Samuel Bernardiston (who had been chairman of the jury which rejected the bill against Shaftesbury), was less scrupulous. That gentlemen was fined ten thousand pounds, because, in some intercepted letters, he had spoken disrespectfully of the government. Thus an end was to be put, if possible, to all the confidences of private friendship in regard to public affairs.

Of the temper which continued to pervade the government during the next year some judgment may be formed from the trial of Rosewell, a Presbyterian minister. Three women accused this person of having uttered some treasonable expressions in a discourse; and they were found to be exactly agreed in their report of the alleged expressions, though extending to two or three paragraphs. Rosewell made it appear that the witnesses were women of the lowest character; that he had himself always taught and practised the virtues of a good royalist; that the expressions imputed to him were so violent that no man of the slightest discretion could have uttered them on such an occasion; that the testimony of the women bore upon its surface the strongest marks of fabrication,—for they had not given any sufficient proof of their being present when the sermon was delivered, they had even forgotten the text, nor could they remember any part of the discourse beside the particular passages which they remembered so distinctly. At the same time he was prepared to prove, by many credible witnesses who were present, that no such words were uttered by him; and he produced the manuscript of the entire discourse as a further evidence to the same effect. He was even ready to place the whole issue on an experiment—he would repeat in the hearing of the court some parts from the discourse in his usual manner of preaching, and if the women could remember those

Trial of Hayes
and Bernardiston.

Of Rosewell,
Nov. 18, 27,
1684.

* Howell's State Trials, x. 1—124.

passages with anything approaching to the accuracy wherewith they had remembered the paragraphs deposed against him, he would at once admit the truth of their accusations, and abide the consequences. In the face, however, of all this, the jury returned a verdict against the prisoner! It should be added, that in this case the court itself seemed to be ashamed of its own tools, and declined carrying the verdict into execution.

Halifax employed himself to bring about a reconciliation between Charles and Monmouth, hoping to find in the latter some counterpoise to the undue influence of the Duke of York. Monmouth expressed himself in terms of sorrow concerning the past, and made agreeable promises for the future, and Charles received him readily to his favour. But it was with the understanding that the duke should make disclosures on the matter of the conspiracy, which he refused to do at first, until he had obtained a full pardon; and refused to do afterwards, as he found that such a step would separate him from all his old political connexions. Charles was so much displeased with this conduct that he again banished him his presence, and commanded him to leave the kingdom.

It has appeared that a material part of the charge against the duke and his friends related to their correspondence with some disaffected persons in Scotland. The two Campbells, and Baillie of Jerviswood, a person of much intelligence and worth, were said to have come to London for the purpose of conferring with the malcontents. Baillie was imprisoned in Edinburgh; and in the absence of evidence against him, was required to swear that he would answer all questions that might be proposed to him. He at once declared that he would never conform to so tyrannical a mandate, and was fined in consequence in the sum of six thousand pounds. Soon afterwards, the application of torture to some suspected persons, Spence and Carstairs, produced a sort of evidence against him. The rigours of his imprisonment had reduced him to the feebleness of a dying man: he was nevertheless brought to trial; and as it appeared probable that every moment might be his last, he was executed in the afternoon of the day on which his sentence was pronounced. This was the last execution in consequence of the plot to which it related.*

But the impressions which that plot had been made to produce on the feelings of the people were still everywhere manifest. The more revolting features of the Rye-house conspiracy were charged, as we have observed, with the most ceaseless industry on the whole whig party; and this was done with so much effect, that the character of the nation appeared to have undergone an almost total change—so that by the people

Correspondence between Charles and Monmouth.

State of the popular feeling in England.

* Burnet, ii. 423—435.

who only a little before had manifested so much sympathy with freedom, scarcely a word in opposition to court measures was uttered, or could have been expressed without danger. In the populace, this may be attributed in great part to their ignorance; but the change seemed to affect the educated hardly less than those below them, and certainly holds out a memorable lesson in the history of popular sentiment. It would seem that a virtuous or a superstitious regard to ancient institutions, is so deeply fixed in the English mind, that while not averse to moving forward, it is not often that it can be safely urged in the path of rational improvement except by slow degrees.

While the affairs of England were assuming this unpromising aspect, Louis raised the monarchy of France to the height of its greatness. Charles, so far from looking on this fact with jealousy or shame, renewed his negotiations with that monarch, in order to sell his neutrality, as on former occasions, at the highest price it might be made to yield.* For in the midst of his apparent triumph, he could not be brought to entertain the thought of assembling another parliament, though his revenues were heavily burdened, and difficulties in that shape were likely to multiply rapidly upon him.

It is pretty well known that on this account, and some others, Charles was by no means so happy a person in these new circumstances as the inconsiderate were perhaps inclined to suppose. He had seen enough to render him sensible that the national feeling, which had taken one direction to-day, might become subject to some new impulse to-morrow; and there was a display of temper on the part of the Duke of York, which sufficed to make it probable that his conduct would furnish abundant occasion for some such change when the fitting season for it should arrive. Charles raised the duke to the office of high-admiral, in contempt of the Test Act; he released the popish lords from their confinement in the Tower; and did some other acts which indicated that he had no intention of meeting another parliament. Still, when James one day urged upon him some bolder measures than he was prepared to adopt, he was heard to say, "Brother, I am too old to go again on my travels: you may if you choose it;" and toward the close of 1684 there was a rumour abroad that the king intended to change his measures; that he meditated sending the Duke of York to Scotland; recalling the Duke of Monmouth; and had determined, by assembling a parliament, and inviting popular men to his councils, to throw himself on the affections of his subjects.

But if such were his intentions he was not permitted to realise them. On the second of February he was seized with a strong fit of apoplexy. He was bled within a few minutes of the seizure, and was so far restored by the next morning that great hope

* Fox's Hist. App. Hume, viii, 205—208

was entertained of his recovery. But on the fourth day, the physicians ceased to encourage any such expectation. Charles became anxious for the offices of religion usual at such times, but declined receiving the sacrament from the hands of the prelates in attendance. By the assistance of James, Huddleston, a Catholic priest, was introduced; and in the presence of the duke, Lord Bath, and Captain Feversham, the dying king professed himself a convert to the church of Rome, and conformed to the religious observances prescribed by that communion. Soon after ten o'clock his senses failed him, and in about an hour from that time he breathed his last.

The character of Charles II. we have given elsewhere, and what may be wanting in the sketch we have there furnished will have been fully supplied in the narrative which has followed.* The king had not passed the fifty-fifth year of his age, and the news of his death came upon the country with all the force of a great and unexpected calamity. The Duke of York was regarded by all the more zealous friends of Protestantism, and of popular liberty, as the person who had done most to prejudice the mind of the king on those matters, and to urge him upon measures hostile to them—and into the hands of that prince the sovereign power had now passed!

It has been justly remarked, that at the close of this reign, it was difficult to say on which side the scale was most likely permanently to turn—for liberty or despotism. The charge of Popery was bandied against the Tories, that of republicanism was directed against the Whigs; and the two parties were still in fact so nearly balanced, that the side which failed most in the virtue of moderation was nearly sure to be in the end the loser.†

* Page 572—574.

† Fox's Hist. Introduction, pp. 66, 67.

JAMES THE SECOND.

CHAPTER I.

King's Declaration—its Effect—Revenue collected without consent of Parliament—James goes publicly to Mass—The Cabinet—A Parliament summoned—The king obtains pecuniary assistance from Louis—spirit in which it was received—Policy of Louis—Foreign relations—Spain—Holland—Designs of the king—Penal Laws concerning Religion partially suspended—Meeting of the Scottish Parliament—the king's Letter—tyranny and cruelty of proceedings in Scotland—Origin of the expedition under Argyle—Meeting of the English Parliament—the king's Speech—spirit and proceedings of the two Houses—jealousy still concerning the safety of the Church—Character of the party in ascendancy—Fate of the Insurrection in Scotland—Landing of Monmouth—his progress—battle of Sedgemoor—death of Monmouth—treatment of his followers—Military executions by Faversham and Kirke—Commission of the Judges—Trial of Mrs. Lisle—Executions in the West—approved and encouraged by the king—Trial of Cornish, Mrs. Gaunt, Mr. Hampden, and lords Brandon and Delamare—Punishment by Fines.

BEFORE the close of the day on which the English sceptre passed into the hands of James II., the new king assembled his council, and delivered to them the following address: King's Declaration.

“Before I enter upon any other business, I think fit to say something to you. Since it has pleased Almighty God to place me in this situation, and I am now to succeed so good and gracious a king, as well as so very kind a brother, I think it fit to declare to you that I will endeavour to follow his example, and most especially in that of his great clemency and tenderness to his people. I have been reported to be a man for arbitrary power; but that is not the only story that has been made of me; and I shall make it my endeavour to preserve this government, both in church and state, as it is now by law established. I know the principles of the church of England are for monarchy, and the members of it have shown themselves good and loyal subjects, therefore I shall always take care to defend and support it. I know too, that the laws of England are sufficient to make the king as great a monarch as I can wish; and as I shall never depart from the just rights and prerogatives of the crown, so I shall never invade any man's property. I have often heretofore ventured my life in defence of this nation; and I shall go as far as any man in preserving all its just rights and liberties.”*

The council were so much pleased with this declaration as to petition that it might be made public, to which his majesty readily assented. The document, explicit as it might seem in some of its expressions, was, as a whole, not a little contradictory and perplexing. The king pledged himself to perpetuate all the rights and liberties of his subjects, and to govern them in a spirit of clemency; but his professed model in so doing was the example of his

Its character and effect.

* Kennet, iii, 420.

predecessor—a prince who, by his disuse of parliaments, in violation of a solemn statute in the sixteenth year of his reign, had placed his whole government on an illegal basis; and whose proceedings in regard to the chartered towns, and to the cases of Russell, Sidney, and others, had exhibited so much contempt of law, freedom, and humanity. Even the promise in relation to the church was not so free from ambiguity as to preclude considerable latitude of interpretation. But the whigs were now so subdued as to render it inexpedient for them to dwell with much emphasis on these discrepancies; and their opponents were so elated as to be incapable of seeing them, or at least of appearing to do so. James, with all his faults, was regarded as a person of veracity, and in this respect was placed in advantageous contrast with his brother. The common remark, accordingly, with the persons who affected to be his great supporters, everywhere was—"We have the word of a king, and a word never yet broken." Some, in the excess of their credulity or adulation, did not scruple to speak of the royal declaration as a better security for the liberty and religion of the country than any which the law could devise.*

Still, the gloom in some quarters was not less obvious than the hilarity in others; and suspicion increased when it became known that the king had determined to collect the duties called *tonnage and poundage* without waiting, as law and custom demanded, for the consent of parliament; and still more when his majesty proceeded openly, in his state dignity, to mass. This last step was in opposition to the advice of his council. It alarmed some of his most zealous supporters among the clergy; and preachers, who not long before had made their pulpits resound with his praises, began to declaim with much violence on the subject of Popery, and the dangers of the Protestant religion.†

James had endeavoured to provide against impressions of this nature by announcing, immediately after his accession, that the ministers of the late king would be retained in his service, and that a parliament should be convened in the ensuing May. But if the old members of council were still in office, it is well known that the king's principal advisers, to the end of his reign, were his queen, his mistress, and his priests, and that very frequently it was not in the power even of these persons conjointly to lay any effectual restraint upon his temper. With regard to

* Burnet (iii. 5, 6) describes the proclamation of the new king as "a heavy solemnity," and adds that "a dead silence followed it through the streets." Burnet, however, was not in England at this time, and Evelyn (iii. 134—137) and Calamy (Historical Account, i. 116, 117), who were, speak of hearing the shouts of the populace, and of having with many lamented the thoughtlessness thus evinced. In the language of Evelyn it was a "sad and not joyful day."

† Certain papers, also, written by Charles, and showing his preference of the church of Rome, were made public by the Catholic priest Huddleston, under the direction of the king. Ralph, i. 849, 850. Mazure, i. 400—402.

a parliament, from the present condition of the chartered towns, and from the servile tone of the addresses presented to him by the bishops, the clergy, the universities, and from many parts of the kingdom, James might with reason have calculated on a gratifying amount of acquiescence with his pleasure on the part of that body.*

But the hopes of the king from that quarter were by no means so sanguine as to render him insensible to the value of pecuniary assistance from France. The day after his accession, James sent for Barillon, the French ambassador, and discoursed with him in much apparent confidence about his affairs. He

The king obtains pecuniary aid from Louis.

spoke of his attachment to Louis; of his purpose to do nothing important without consulting that monarch; and descended to plead the difficulties of his position as furnishing excuse for his conduct in having resolved to assemble a parliament without waiting to make his Christian majesty acquainted with the reasons of that proceeding. The mention of money was left to Rochester, in his interview with the ambassador on the following day. The treasurer—for James had vested Rochester with that office—said much concerning the reasons which had influenced the king in calling a parliament; and dwelt particularly on the point, that without some aid from that source the demands of the king of England on his brother of France would of necessity become so great as to prove exceedingly inconvenient and burdensome; while, on the other hand, nothing could be more undesirable for both monarchs, than that the new sovereign should commence his reign in a condition to make him wholly dependent on the pleasure of his people. Thus the king of France was to reconcile himself to a meeting of the English parliament on considerations of economy; and the king of England, in looking for supplies from his subjects in the manner prescribed by the constitution, was to be regarded as aiming to perpetuate his disgrace as a pensioner of the French crown, and not as intending, by any means, to assert his independence as the monarch of a free people!

Louis had anticipated this sort of application, and within a few days the French ambassador presented himself with a letter from his master, and with bills of exchange to the amount of five hundred thousand livres. James listened to the announcement made to him with tears in his eyes, and expressed his admiration, his gratitude, and his devoted attachment to the royal donor, in terms befitting some unfortunate being whom the utmost effort of compassion had rescued from penury and a gaol. The

Spirit in which it was received —policy of Louis.

* It has been noticed as remarkable, that in no one of these adulatory addresses is there any suspicion expressed or implied as to the reality of the Popish plot—a circumstance which has been regarded as showing that the fall of the whig party was not to be attributed mainly, if at all, to their conduct in that matter. Fox's Hist., 93, 94. Their enlightened popular principles, as embodied in the Exclusion Bill, were too much in advance of their times to be acted upon, on such a scale, without peril.

language of his ministers also—Rochester, Sunderland, and Godolphin—in behalf of their sovereign, was in a similar strain. In fact there appears to have been some apprehension on the part of the king, and of his more confidential advisers, that Louis might limit his ambition on the continent so as to become less concerned about the affairs and policy of England; in which case, the designs of James, if to be brought about at all, would remain to be accomplished through much greater difficulty. There was, however, no real ground for any such fear. Louis had been somewhat remiss in his recent payments to the late king, but it was because he saw that Charles had taken a position in regard to his people that must render him more than ever a dependant on Versailles; and, with a generosity worthy of the whole history of these intrigues, the French king resolved to avail himself of all the advantage afforded him by that circumstance. But though Charles was not likely to convene a parliament, James, trusting to the feeling usual on a new accession, might do so; and should that experiment be successfully made, so as in some measure to heal the manifest breach between the crown and the people, the result might be to render the king of England the most formidable opponent of France, in place of being the paid instrument of its ambition. Louis employed himself with much promptitude to prevent a course of affairs that might prove injurious to his schemes; and his policy succeeded to the extent of his wishes.*

The treaty with Spain which Charles had shown more disposition to violate than observe, was immediately declared to have terminated with the decease of that monarch—a declaration which would have been repudiated on almost any other occasion, as assuming a principle clearly opposed to the recognised law of nations. In this case, however, disputation was needless. If the treaty had not ceased with the death of the late king, its fate was sealed to the same effect by the inclination of his successor. So compliant, indeed, in all things, was the king of England, that, thankful as he was for the munificence of the past, Lord Churchill was despatched to the French court soon afterwards to solicit further supplies. At this very time James made his boast, in certain connexions, that he would hold the balance of affairs in Europe with a steady hand; that he would make it appear he was not to be governed by the councils of France; and that in his transactions with that power no ceremony should be rendered on the one side that had not been observed on the other. As few were in the secret of the king's private communications, multitudes appear to have given full credit to these pretensions, and magnified them exceedingly, as promising everything for the dignity of the kingdom in its future relations with the continent.†

* Fox's History and Appendix. Mazure, *Histoire de la Révolution de 1688*, i. 396—400.

† Ralph, i. 851.

James also commenced some correspondence with the Prince of Orange, and with an apparent wish for amity in that quarter. But in that connexion also his method of proceeding was not dictated by sincerity. Notwithstanding his plausible professions to Barillon, he was quite willing that the hostility of the prince of Orange to the schemes of France should continue such as to make the neutrality of England an object of high value in the consultations at Versailles. In the same spirit, Louis was no less willing, on his part, that discord should be perpetuated in England, so long as it served to place the king in a condition to depend on pecuniary assistance from France for the successful prosecution of his plans.*

What those plans were at this time has been the subject of controversy. It is unquestionable that they embraced an enlargement of the power of the crown, either with or without the consent of parliament, on a scale greatly opposed to those liberties of the subject which had been determined and secured in the most unequivocal form both by the usage and law of the realm. It is certain, also, that James was intent on rescinding the Test Act, and the statutes which proscribed the Catholic worship. Not to have succeeded on these points, and to have persisted in conforming publicly to the worship of the Catholic church, would have been to proclaim himself as a constant violator of the laws which he was bound to enforce. But it does not appear that the designs of the king at this juncture extended beyond these limits. The hope of seeing the Protestantism of the Established Church displaced by his own creed was too extravagant to be entertained at present, even by his narrow and sanguine temper.

Designs of
the king.

In pursuance of these designs, the king issued a proclamation which required that all persons who had been committed to prison for refusing the oaths of allegiance and supremacy should be set at liberty. This proceeding could not be made to confer its boon on the Catholic, without extending in some degree to the Protestant Dissenter. Several thousand Catholics were released by this means, and with them no less than twelve hundred Quakers. But that this indulgence to the Protestant was purely with a view to favour the Catholic, and not the effect of any real approval of the principles of toleration, was soon manifest. Many intolerant churchmen gave sufficient intimation by their conduct of being little apprehensive that the displeasure of the king would be called forth by some occasional severities against the nonconformist, so long as his majesty's dispensing power was suffered to avail in the instance of another class of offenders. Hence, under this show of equity, Protestant Dissenters were secretly given up, in a multitude of cases, as a peace-offering to their enemies.†

The penal laws
concerning religion
partially suspended.

* Ralph, i. 85.

† There is reason to think that the Protestant Dissenters, instead of being greatly

It was arranged that the parliament of Scotland should be assembled on the twenty-third of April, somewhat more than three weeks previous to the day fixed for the meeting of the two houses at Westminster. The Duke of Queensbury, a nobleman who had shown on former occasions that he was not to be made a party to any project in favour of the Catholic religion, received the appointment of lord commissioner; and confiding in the assurances of the king, that no service would be required of him inconsistent with his known attachment to the Established Church, he applied his eminent capacity to realise, in all other respects, the wishes of his sovereign.

In a letter addressed to the Scottish parliament James expressed himself as follows:—"The many assurances we have had of the loyalty and exemplary forwardness of that our ancient kingdom, by their representatives in parliament assembled, in the reign of our deceased and most entirely beloved brother, of ever blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity not only of showing your duty to us in the same manner, but likewise of being exemplary to others in your demonstrations of affection to our person, and compliance with our desires, as you have most eminently been in times past, to a degree never to be forgotten by us, nor (we hope) to be contradicted by your future practices. That what we are at this time to propose unto

relieved from their injuries by his majesty's accession (Lingard, xiv. 13), were, on the whole, greater sufferers than before. Neal, v. 4, 5. The storm fell with special violence on the head of that patriarch of nonconformity, Richard Baxter. Baxter was committed to the King's Bench prison on the twenty-eighth of February, three weeks subsequent to the death of the late king, upon the charge of having used expressions in a commentary on the New Testament which favoured resistance to the civil power in some possible cases, and others which betrayed his disapproval of the order of diocesan bishops. The day fixed for his trial was the thirtieth of May. His counsel moved for time on account of his ill-health; but Jefferies answered that not a minute should be spared if it would save his life. "Yonder," said this lord chief justice of England, "stands Oates in the pillory, and if Mr. Baxter stood on the other side, I would say, two of the greatest rogues in England were there." When the prisoner attempted to speak, his judge railed at him as a snivelling, canting Presbyterian; and added, "Richard, Richard, don't thou think that we will hear thee poison the court; Richard, thou art an old fellow and an old knave; thou hast written books enough to load a cart, every one as full of sedition, I might say of treason, as an egg is full of meat; hadst thou been whipped out of thy writing trade forty years ago it had been happy. Thou pretendest to be a preacher of the Gospel of peace; as thou hast one foot in the grave it is time for thee to think what account thou intendest to give; but leave thee to thyself, and I see thou wilt go on as thou hast begun; but, by the grace of God, I will look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty don, and a doctor of the party (Doctor Bates) at your elbow; but, by the grace of Almighty God, I will crush you all!" This man always knew the master he had to serve, and acted accordingly. The charge was of sedition; the jury, under the direction of the judge, gave an immediate verdict of guilty, and the aged sufferer was sentenced to be imprisoned until he should pay a fine of 500*l.*, and find security for his good behaviour during the next seven years. He remained a prisoner until it suited the purpose of the court to change its measure two years afterwards.

you, is what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandising our power and authority (though in it consists the greatest security of your rights and interests, these never having been in danger, except when the royal power was brought too low to protect them), which now we are resolved to maintain in its greatest lustre, to the end we may be the more able to defend and protect your religion as established by law; and your rights and properties (which was our design in calling this parliament) against fanatical contrivances, murderers, and assassins, who having no fear of God more than honour for us, have brought you into such difficulties as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him (in prosecution of the good and wholesome laws by you heretofore offered), could have saved you from the most horrid confusions and inevitable ruin." James, in bestowing this high praise on the servile temper which had long distinguished the proceedings of the estates in Scotland, gave an indirect expression to his judgment and feeling in regard to the different spirit which had prevailed in the parliaments recently convened in England. Thus explicitly, also, did the king avow his intentions concerning the aggrandisement of the power of the crown; and his hearty approval of all those sanguinary measures which had been resorted to in the government of Scotland during the last reign. Nor is there the least reason to doubt the sincerity of his professions concerning the maintenance of the Protestant church in that kingdom, inasmuch as it is unquestionable that he regarded the episcopacy established there at the Restoration as much more favourable to his objects than the presbyterianism which it had superseded, and his choice lay between them.

By the Scottish parliament, the letter of the king was received with perfect acquiescence, and loud applause. The speech of the chancellor abounded in expressions of the most fulsome adulation; a lengthened reply from the estates breathed the same abject spirit; and the measures of the assembly were in harmony with its professions. Acts were passed to ratify all the illegal and iniquitous proceedings of the government to the time of his majesty's accession; a full indemnity was provided for the members of the privy council, the judges, and all officers, civil or military, who had been parties to those proceedings; power was given to the council to impose the test oath, to such extent, and with such penalties, as should appear to them expedient; the punishment of death was attached to those who preached in conventicles, in common with those who preached in the fields, and to the persons who were present to hear, as well as to the individuals who were convicted of addressing them; the same penalty was denounced against all persons who should take the covenant, or acknowledge it to be in any way binding; and finally, as the last

Tyranny and
cruelty of its
proceedings.

stretch of tyranny, borrowed apparently from the worst practices of the Inquisition, it was enacted that all persons required to furnish evidence in cases of high treason, or of any violation of the laws in matters of religion, and refusing so to do, should be accounted liable themselves to the penalties due by law to the offenders against whom they refused to appear as witnesses. The practices of the government were in agreement with this tyrannical and merciless temper on the part of the legislature. This is ascertained from the most unquestionable evidence,—even females, some of them in the most advanced age, and others in the tenderest youth, being put to death in the most barbarous manner as the punishment of having been present at religious meetings which this servile parliament had declared to be treasonable.*

While the estates and the government of Scotland were thus forward in testifying their submission to the royal pleasure, and in setting the required example before all persons called to the exercise of the same functions in England, there were some men bold enough to meditate the complete overthrow of the fabric, which, to the eye of the king, appeared to be acquiring so much strength every day as to render it safe that he should prosecute his plans with scarcely the least concealment. The earl of Argyle, the lords Melville and Grey, sir Patrick Hume, sir John Cochran, and others, had taken refuge in Holland for some time past, but were constantly in hope of connecting themselves with some new course of affairs, which, by placing the government of England in other hands, might favour their return. The injuries which Argyle had experienced from James when duke of York, were sufficient to account for the part he took in the conferences of the refugee malcontents at this time.

Monmouth shared in the exile of these persons, and in the persecutions which followed them. Compelled to leave Brussels, he joined these parties in Holland, but appears to have regarded their projects with growing distrust the more he considered them. He was, indeed, strongly inclined, at some moments, to withdraw altogether from public life. Argyle had formed his plans, and adhered to them with his characteristic obstinacy and inconsideration. His great difficulty was to remove the objections urged by the more prudent foresight of Monmouth, whose co operation was regarded by the other exiles as indispensable to success. That difficulty was at length removed. It was urged that the popularity of the duke in England, and the vigorous diversion to be made by Argyle in Scotland, could not fail of leading to the desired result. The earl flattered himself that his appearance in the Highlands would bring five or six thousand of his own vassals to his standard; and that the people of the southern and western counties, in their hatred of the tyranny which had so long oppressed them, would soon put themselves in motion to join him. Nothing, in fact, was want-

* Ralph, i. 856—859. Laing, ii. 143—150. Fox's Hist., 103—109, 125—132.

ing, according to this showing, but that Monmouth should make his descent on England at the same time; the rising would be immediate and general in both kingdoms, and the effect would probably be, that affairs would take the better course almost before the sword was unsheathed. Monmouth does not appear to have placed a strong or steady confidence in these representations; but his friends were determined; he shrunk from the thought of allowing them to peril their lives alone in the cause to which he was himself equally pledged, and, above all, could not bring himself to act upon the dictates of prudence, when his conduct might be imputed to a deficiency in courage.

Argyle, with the connivance, as it is supposed, of the authorities of Amsterdam, sailed from the Ulie on the second of May, with three small vessels, carrying a considerable supply of arms and ammunition—having extorted from Monmouth a promise to embark for England in six days. On the fifth day the earl reached the Orkneys; but tidings of his movements were so early conveyed to London, that a proclamation had been issued in Scotland calling upon the people of that kingdom to arm themselves for the resistance of the invader at whatever point he might attempt his landing. At the Orkneys the earl sent his secretary and surgeon on shore to procure intelligence, but both were immediately seized by the bishop of that place, and sent prisoners to Edinburgh. In consequence of this untoward event the earl was obliged to occupy some days in sailing round the West Highlands, and during that interval fear or loyalty prompted the more responsible persons everywhere along the coast to arm the people about them to the best of their ability. The earl landed successively at Dunstaffnage in Lorn, and Campbeltown in Kintyre; and in the latter place he published a declaration, which set forth the wrongs and cruelties inflicted on himself and his country by the late king and his successor, and called upon all honest and patriotic men to join in the attempt about to be made to free the land from popery, prelacy, and the many oppressions under which it had so long groaned.* The fate of this enterprise was not determined until after the meeting of the English parliament.

When the two houses assembled it appeared that the use made of the Rye-house conspiracy, together with the new modelling of the corporation charters, had placed the elections almost at the disposal of the court. The commons consisted, for the most part, of persons whose hatred of the whigs, and attachment to the church, disposed them to concur with almost every scheme that bore the appearance of hostility toward the parties opposed to them. James, on looking over the names, said there were not more than forty to whom he felt any objection.† It may be safely concluded,

* Welwood's Memoirs, Appendix. Ralph, i. 853. Sir Patrick Hume's Narrative in the Marchmont Papers, iii. 1—42.

† Not many more than a hundred of the persons who had a seat in the last par-

that a parliament so constituted was more dangerous to liberty than no parliament.

Submissive, however, as the lower house was likely to prove, the king addressed them in language which showed that his confidence was not without a mixture of suspicion. He claimed a settlement of the revenue during his life, as in the case of his predecessor, and observed, "I might use many arguments to enforce this demand; the benefit of trade, the support of the navy, the necessities of the crown, and the well-being of the government itself, which I must not suffer to be precarious; but I am confident that your own consideration, and your sense of what is just and reasonable, will suggest to you whatever on this occasion might be enlarged upon. There is, indeed, one popular argument which may be urged against compliance with my demand; men may think that by feeding me from time to time with such supplies as they think convenient, they will better secure frequent meetings of parliament; but as this is the first time I speak to you from the throne, I must plainly tell you that such an expedient would be very improper to employ with me; and that the best way to engage me to meet you often is always to use me well."

The former part of this speech included the substance of the declaration issued by the king at his accession; the passage above cited was added by the dictation of the monarch himself; and the whole was adopted in preference to a more moderate address prepared by the lord-keeper North. It iterated his majesty's intention to make the government of his brother the model of his own; and stated, with sufficient clearness, that, in his judgment, parliaments were matters of royal sufferance, to be used so long as they were found submissive, and to be dispensed with as soon as they should cease to exhibit that character.

But so disposed at this moment was the party in power to put the most favourable construction on everything which proceeded from the throne, and so strong was their confidence in the royal promise concerning a careful oversight of everything affecting the interests of the Established Church, that even the language of the king's speech to the commons does not appear to have called forth objection of any kind; while unprejudiced men, to whom its meaning must have been obvious enough, were obliged to content themselves with disclosing their impressions in secret, in place of giving them any measure of publicity. Indeed, from the measures adopted by this parliament, and the spirit which it evinced during the short interval allotted to its sitting, there is too much reason to conclude, that could James

liament under Charles found a place in the first convened by his successor. *Parl. Hist.*, iv. 1298, 1343. We learn from Evelyn that the earl of Bath carried fifteen of the new charters with him into Cornwall, from which he was called the prince "Elector;" and, according to the same authority, the persons returned were some of them "clerks and gentlemen's servants." *Ibid.* i. 558, 562. Mackintosh's *Hist.* 111

have been satisfied with the religion of the Church of England, he might have done much toward bringing back the days of Laud and Strafford, and have consolidated not a little of the tyranny of those times by acts of the legislature.

The demand concerning the settlement of the revenue was at once complied with, and without the slightest reference to the fact that the government had been collecting it for some months past contrary to law. The earl of Argyle, now in arms in Scotland, was denounced as a traitor; and the duke of Monmouth, who since the meeting of parliament had landed in the west of England, was immediately attainted; while the liberty of the press, virtually at an end from the time that the courts of law became the tools of the government, was formally destroyed by a revival of the statute of the 13th and 14th of Charles II. In an act for the "Preservation of His Majesty's person" it was made to be high treason to assert the legitimacy of Monmouth's birth, or to propose in parliament any alteration in the succession of the crown. Thus, for the first time in our history, the mere expression of opinion, and that upon a much controverted point, became a capital offence; and the same penalty was to be incurred by any member of the legislature who should in future recur to the exercise of a right, which, as the history of the Exclusion Bill had shown, was an important and unquestionable branch of the liberty of parliament.

But lightly as the majority in this parliament appeared to estimate the most valued provisions of the civil constitution, some signs of apprehension were betrayed in regard to the safety of the church. The commons appointed a committee of religion, and the members of that committee voted unanimously, "That it is the opinion of the committee that this house will stand by his majesty with their lives and fortunes, according to their bounden duty and allegiance, in defence of the reformed church of England, as it is now by law established, and that an humble address be presented to his majesty, to desire him to issue forth his royal proclamation to cause the penal laws to be put into execution against all dissenters from the church of England whatsoever." It is not a little surprising that a resolution of this nature should have been even suggested at such a moment. It was agreed to, however, and apparently without opposition. It seemed to intimate to the king, that his support of the Established Church, and the allegiance of his protestant subjects, were parts of something like a contract between them; and in calling for measures of persecution against "all dissenters from the Church of England whatsoever," it plainly involved the Catholic and Protestant separatist in the same proscription. But it was soon discovered that the gratification of persecuting the Protestant Dissenters—those fixed allies of the whigs—would be more than counterbalanced by the displeasure which the adoption of the same measures toward catholic rescuants would excite

Jealousy still
concerning the
safety of the
church.

in the breast of the king. The commons, accordingly, instead of adopting the resolution of the committee, passed the following unanimously:—"That this house doth acquiesce, and entirely rely, and rest wholly satisfied on his majesty's gracious word and repeated declaration to support and defend the Church of England, as it is now by law established, which is dearer to us than our lives." An attempt was at the same time made to procure the sanction of the house to a proviso in the bill for the preservation of his majesty's person designed to protect such polemics as should become authors in defence of the Established church, but leaving all other disputants, whether Catholics or Protestants, exposed to the arbitrary treatment consequent on the altered state of the law, and the new power of the government, in relation to all cases of libel and treason. Means, however, were found to delay this project until the adjournment, after which it was no more mentioned.

Such, then, was the character of the party now ascendant. Its conduct was in accordance with the tone of its addresses to the throne and its speeches elsewhere. It was prepared to brand as rebellion and treason any resistance to the power of the sovereign, so long as the encroachments of that power were confined to matters of the civil constitution. To the church only were these persons bound by ties more sacred than those which placed them in subjection to the crown; and there is no reason to suppose that anything short of the danger to which the Protestant hierarchy became exposed, would have sufficed to bring them into action with wiser men even with the view of replacing those checks about the monarchy which the constitution had provided, still less for the purpose of imposing any new measure of restraint. When the question concerning the settlement of the revenue was under consideration in the commons, and the motion before the house was one which, by placing some two millions and a half a-year at the disposal of the crown, might have raised the king, with a moderate share of prudence on his part, to a condition in which he would have had little to apprehend from the parsimony of future parliaments,—Mr. Seymour, a tory, and a zealous opponent of the Exclusion Bill, ventured to suggest that it might be well for the house to ascertain the validity of the returns made at the late elections, before proceeding to its vote on the important question submitted to it, especially as there were rumours abroad of an intention to repeal the Test and the Habeas Corpus Acts, which had filled the minds of a large portion of the people with suspicion and alarm. But this solitary utterance on the side of the liberty of the subject, instead of inspiriting others, only served to show more plainly that the party with whom Seymour acted, were not disposed at this time to manifest the slightest sympathy with such sentiments; and with regard to their opponents, they were much too sensible of their weakness to attempt anything openly in sup-

Character of
Party in as-
cendancy.

port of such objects. Hence, though Seymour spoke of the acts adverted to as the bulwarks of the religion and liberties of the state, no man responded to his expressions.*

Before the English parliament had closed its first session, the fate of the expedition under Argyle become known. Some days prior to that on which the earl effected his landing, many suspected persons had been placed under arrest by the Scottish government; and beside the force raised for the occasion by the nobility and others in different places, the whole of the standing military force of Scotland, consisting of twenty-two thousand regular troops, was employed either in watching his motions, or in checking the first appearance of sympathy with his designs. The men who came to the earl's standard did not at any time exceed two thousand five hundred; and much the greater part of that number were influenced almost entirely by their feudal attachment to the person of their chief, and not by any intelligent apprehension of the intentions of their leaders as set forth in their published declarations. Such views were confined, for the most part, to a small minority of Lowlanders who had joined the insurgents, and who strongly urged that time should not be lost in skirmishes among the Highlands, which might be so much better employed in proceeding at once to those parts of the country where a civilised and injured people would be found waiting to join the first standard that should be set up to free them from the tyranny of their oppressors.

But Argyle resisted this council with his usual pertinacity, insisting that a much stronger force should be secured before taking such a step; and this continued to be his policy, notwithstanding the encouraging tidings brought to him by messengers from the Lowlands, and the daily occurrences which seemed to prognosticate that the numbers which he hoped to rally about him would never be brought effectively together, and that the only result of his procrastination would be to allow time to the government for placing every part of the kingdom in the best posture of defence. The three ships which accompanied the insurgents along the coasts, and into the lochs of the country, were pursued and watched by two English frigates. The commander of the frigates succeeded in taking Islandgrig castle,—a place in which the earl had deposited the greater part of the arms and ammunition which he had brought with him from Holland, and which thus fell into the hands of his enemies. Argyle had commanded that, should the frigates find the means of approaching within cannon-shot of the castle, the edifice should be blown

* The motion of Seymour was the more important as it went to question the validity of the new charters, which had been issued so freely of late, and for the manifest purpose of influencing the elections. The subject was again adverted to some days afterwards by lord Lowther, but was again dropped. Journals, May 27, 29. Lonsdale's Memoirs, 5—8.

up, and the three ships destroyed. But these orders were not executed, and everything was captured by the royalists.

In the mean while, the earl saw his ranks daily thinning by desertion; and the complaints of the Lowlanders, who had opposed his manner of proceeding, became louder as one disaster followed upon another. Tidings of the loss at Islandgrig reached the insurgents at Loch Long, from which point they directed their course by Loch Gaire towards Dumbarton, meaning to throw themselves upon Glasgow,

June 16. and to hazard everything on the chances which might arise in their favour in that neighbourhood. But at Dumbarton new counsels, from some unknown cause, prevailed, and they marched along the high road towards Stirling; where, in less than an hour, their small force, consisting of not more than nine hundred men, and the half of those not to be relied upon in any great emergency, stood confronted with the main body of the royalists, which had been for some time accumulating on their path. The insurgents seized an advantageous position, and as the evening came on both parties kindled fires for the night. When it became dark, the earl gave orders that his followers should march through the mosses by the nearest line towards Glasgow. This was done at first with much silence, and some order, but soon the greatest confusion ensued. By daylight the fugitives found themselves

June 18. at Kilpatrick, but half their number had fled, and the remainder were faint with hunger and weariness. All hope of success was now at an end. The earl separated from his friends, attended by a few of his Highlandmen, in hope of reaching Argyleshire, and making his escape; but danger thickened upon him; he was compelled to direct his steps towards the Clyde, and after a few days was seized, with a solitary attendant, by three men who happened to cross his path, one of whom was a rude countryman, who rushed after him into the river, and would have dispatched him with the blows of a club had he not surrendered. Sir Patrick Hume, and the seventy-five Lowlanders who accompanied him across the Clyde from Kilpatrick, appear to have acquitted themselves against the odds arrayed against them at Elistoun-bridge with a truly Spartan skill and bravery. The escape of the greater part of them was the reward of their discipline and prowess.*

The earl was sent prisoner to Edinburgh. He declared himself satisfied with the justice of the course which he had pursued. The earl made His private injuries, and the wrongs inflicted on his country, afforded, he maintained, an abundant vindication of his conduct. It was not deemed expedient even to put him on his trial, but the old and iniquitous sentence which had occasioned his

* Sir Patrick Hume's Narrative, 43—65, in the Marchmont Papers. Ralph, i. 859, 860, 869, 870. Woodrow, ii. 529, *et seq.* App. 152. Burnet, iii. 23—30. Reresby, 206.

exile was revived against him.* On the scaffold he renewed the expression of his often-declared opinions, and concluded with praying that the throne of Great Britain might never want a sovereign to distinguish himself as a defender of the protestant faith. Burnet remarks, that the great source of all this nobleman's misfortunes was a self-sufficiency that could rarely brook contradiction, and which made it almost impossible that he should profit by the counsel of others. Enough is known concerning him to justify this representation, at least in great part.

Among his followers, the principal sufferers were captain Ayloff and colonel Rumbold. The former was nephew, by marriage, to the old earl of Clarendon, but his relationship did not suffice to save him from the penalties of treason.† The latter was the same Rumbold whose name had acquired so much notoriety in the history of the Rye-house plot. Rumbold had received many wounds before surrendering himself a prisoner; and when summoned to his trial, was so weak from loss of blood and medical treatment that it was necessary to convey him to the bar in an elbow chair. Many questions were put to him by the court, to which, with much dignity of manner, he declined making any reply. There was no need, he observed, that he should become the accuser of himself or of other persons; more than enough might be otherwise proved against him to satisfy the jury in returning the verdict expected from them. In the indictment he was described as an accomplice with Argyle; and with the Rye-house conspirators in their project to assassinate the king and the duke of York. In reply, he confessed that he had been a party with Argyle, and also in the Rye-house conspiracy, but denied, in the words of a dying man, any knowledge of that conspiracy as embracing designs against the king's person; he had always held such villanies in abhorrence, and he thanked God that his reputation had ever been such among those who knew him, that no man would ever have expected him to engage in any such proceeding; this solemn form of denial was all that now remained to him, the judgment of another day would do the rest. He was sentenced to be drawn to the place of execution on a hurdle, to be hanged, and quartered; and he not only listened with the most undisturbed countenance to the minute recital of the barbarities

* "Having been outlawed for treason in the late king's reign, there was no need of renewing the process, but to wait the king's order for his execution." James's Memoirs, ii. 24. Of this case, which it seems was so simple, see the account in pp. 797, 798, of this volume.

† Ayloff was brought to London that he might be examined by the king in person. He appears to have been well aware, either from his knowledge of the monarch's disposition, or from what had been told him, that no mercy was intended by this proceeding. "Being sullen, and refusing to discover anything, the king said to him, 'Mr. Ayloff, you know it is in my power to pardon you; therefore say that which may deserve it.' In answer to which the prisoner is said to have observed, 'I know it is in your power, but it is not in your nature to pardon.'" Burnet, iii. 33.

about to be inflicted on him, but when questioned concerning his feelings in prospect of them, he observed, that so satisfied was he of the justice and humanity of his intentions, and so persuaded that the sufferings of men in the cause of liberty were among the most effectual means of advancing it, that had he a limb to be exposed on the gateway of every town in Christendom it should be supplied. On the scaffold he repeated his denial of being party to any design against the life of the king; but added that he believed the cause in which he suffered to be so righteous and holy, that were every hair of his head a life, he would thankfully sacrifice them all in its advancement. He maintained that the relations between subject and sovereign partook of the nature of a solemn contract, the violation of which was as criminal, and as fit a subject for punishment, on the one side as on the other. This was the law of God, of nature, and of reason, and he had been one to take arms against the supreme power, simply because its influence and authority had been employed, in violation of this law, to introduce popery and slavery. At this point the drums were sounded to render his voice inaudible. When they had ceased, he observed, there was little need of that ingenuous precaution against the utterances of a dying man, as he merely intended to add, that the want of public spirit in the people of Scotland and England would not last always; that the time for their wakefulness and deliverance would come; that he had ever been the friend of monarchy, and of the English constitution; and that he died in defence of the laws and liberties of his country, and as a sincere disciple of the protestant faith. While giving expression to these sentiments, his weakness was such that he was obliged to lean for support upon persons placed for the purpose on either side of him. The sentence of the law was then inflicted, and some of his limbs were sent to be exposed in the neighbourhood of the Rye-house, and in other public places in England.*

We have seen that Argyle sailed from Amsterdam on the second of May.

Monmouth Monmouth had pledged himself to leave the Texel six days
lands in Dor- afterwards, but could not accomplish the necessary arrange-
setshire, ments before the twenty-fourth. From that day also the
June 11. winds proved contrary, and prevented his reaching Lyme,
in Dorsetshire, his place of landing, before the eleventh of the following
month. His whole marine force consisted of one ship of thirty-two
guns, and two tenders; and on his landing, his armed followers are said
by some to have been less than a hundred, by none to have been more
than a hundred and fifty. But in the town he was received without opposi-
tion; and on the following day, the numbers who came from the sur-

* Ralph, i. 372, 373. One observation made by Rumbold was long remembered by the people: he said, "he did not believe that God had made the greater part of mankind with saddles on their backs, and bridles in their mouths, and some few booted and spurred to ride the rest." Mackintosh, 31, 32. Burnet, iii. 32. Burnet states that Cochran was pardoned in virtue of the sum of 5000*l.*, paid by his father, the earl of Dundonald, to the Catholic priests who were in communication with the king. Ibid.

rounding country to join his standard were such as to afford considerable promise of success.

In a declaration issued to explain his objects, Monmouth described himself, and the persons attending him, as having taken His declaration arms in defence of the protestant religion, and of the laws and liberties of England; all of which were in danger of becoming extinct, in consequence of the usurpation and tyranny of James duke of York. Then followed a number of allegations against the king, representing his whole life as a covert or open attack on the religion and constitution of the realm. He was even charged with being a party to such acts as the burning of London, the shutting up of the Exchequer, and the murder of Godfrey and lord Essex; and inasmuch as everything disgraceful in the foreign policy of the nation, and everything superstitious and tyrannical in the course of its domestic affairs for many years past, had resulted mainly from the machinations of the said duke of York, all men were now called upon to join in proclaiming him usurper and traitor, and in prosecuting war against him and his adherents until he should be brought to justice. The declaration further promised, that freedom of worship should be secured to all protestants; that parliaments should be chosen annually, and hold their sittings every year until all petitions or grievances should be duly considered and provided for; that sheriffs in counties should be annually chosen by the freeholders; that all cities and corporations should be restored to the freedom of their ancient charters; that no standing military force should be continued without consent of parliament; and that the command of such force should be placed in future in the hands of the sheriffs. His grace further stated, in his own name, that though he did not doubt he could make it appear that he had a just claim to the crown, he sincerely waived all pretension of that nature, and would leave the whole question concerning the future government of the nation to the wisdom and authority of a free parliament.*

News of the landing of the duke was conveyed to the king with all speed by the mayor of Lyme and the principal officers of Conduct of the customs. James immediately laid the information before parliament. before the two houses then sitting; and lords and commons at once agreed in giving his majesty every assurance of their willingness to spend their lives and fortunes in his defence. We have seen that the duke was immediately attainted, and that to assert his legitimacy was made to be high treason. The sum of five thousand pounds was also offered as a reward for his apprehension; and the house having advised that his majesty should not expose his royal person in this emergency, voted the sum of four hundred thousand pounds to meet his extraordinary occasions.†

* Ralph, i. 873—875. This proclamation owed much of its inflammatory character to that arch-traitor Ferguson, of Rye-house notoriety.

† Parl. Hist., iv. 1362—1366. Reresby, 200—204.

So prompt, however, were the people in joining the duke's standard, that on the third day after his landing he was in a condition to send three hundred men to attack the town of **Attack upon** **Bridport,** **June 14.** Bridport, six miles distance,—the duke of Albemarle, lieutenant of Devonshire, having taken possession of that place with some armed followers a few days before. The storming of the town was conducted with great resolution by the insurgents, and when lord Grey, their leader, fled in dismay from the struggle, the men acquitted themselves with so much courage, and preserved so much order, as fully to protect themselves against the consequences to which the cowardice of their commander had exposed them. Monmouth was encouraged by the spirit which his followers had displayed in this action; but he had purposed dividing the command of his cavalry between lord Grey and Fletcher of Saltoun, and the day on which the former had thus disgraced himself, the latter so damaged his reputation among the duke's adherents, by shooting a person of some consideration in a fit of passion, that his elevation to that trust could not be ventured upon. Thus the services of Fletcher were lost at a moment when they were greatly needed, and the foreboding with which those of Grey were retained appeared in the end to have been only too well founded.

On the fourth day after his landing, the duke left Lyme at the head **March to** of nearly two thousand foot, and three hundred horse. **Axminster.** Approaching Axminster, he saw the duke of Albemarle descending a hill on the opposite side of the town, with about four thousand of the Devonshire militia. Albemarle was intent on reaching Lyme before the insurgents would be in a condition to resist the force under his command, and flattered himself that a single blow might suffice to crush the power of the invader. But he no sooner saw the number of the enemy than he sounded a retreat, which was conducted with so much haste as to be not a little disorderly.* Had Monmouth proceeded to the attack, many of the Devonshire men would, no doubt, have gone over to him, the arms of others would have been of eminent service, and the flush given to his cause by so spirited an achievement might have turned the scale of fortune in his favour. But his great error was to undervalue the discipline and capacity of the force at his disposal, and to expect much more, time after time, from his friends in other parts of the kingdom than his experience was found to warrant.

From Axminster the duke proceeded to Taunton, where his reception **Reception at** was such as manifested that the hearts of the people **Taunton.** were indeed with him. They strewed his way with herbs and flowers; they rent the air with acclamations; their houses were thrown open to his followers; twenty-six young women from the princi-

* James had reason to distrust the militia, and had ordered the lieutenants not to hazard any encounter with the enemy, if they could avoid it, until assisted by the regular troops. *Memoirs*, ii. 29. *Reresby*, 204, 205.

pal families presented him with colours in the name of their townsmen, and also with a Bible, which his grace received, observing, that he had taken the field to defend the truth contained in that book, and was prepared to seal it with his blood, if there should be occasion.

It was at Taunton that Monmouth proclaimed himself king. The duke always alleged that this change of policy was not of his own choosing. What the considerations were that Monmouth especially dictated such a course, is a question concerning himself king. ing which much difference of opinion existed at that time, and has continued to our own. It is probable that an assumption of royalty was regarded as placing the duke more on an equality with James, and as likely to bring persons of influence to his standard, by separating his cause from the suspicion of republicanism, and by giving a greater semblance of law to his authority, so as somewhat to diminish the probable danger of persons who might declare themselves in his favour. But if such expectations were cherished, they were not realised. To the end, the followers of Monmouth consisted almost entirely of persons from the middle and humbler classes, and chiefly of persons engaged in trade and handicraft. Many of the nobility and gentry, no doubt, wished him success, but they either distrusted his competency to such an undertaking, or were of that discreet class who are more disposed to share in the advantages of a triumph than in the hazards necessary to secure it.

The day on which the duke declared himself king, proclamations were issued in his name, which set a price on the head of James ; pronounced the parliament then sitting seditious ; and called on the duke of Albemarle, who had taken his position within six miles of Taunton, to lay down his arms, on pain of being proclaimed a traitor. It would have been well if this courage on paper had been followed by suitable actions in the field ; but in place of any attempt to subdue or disperse the force under Albemarle, orders were given to march toward Bridgewater, where the duke experienced a reception as flattering as had awaited him at Taunton. His followers at that place amounted to between five and six thousand, a number which might have been increased by several thousands almost daily, if arms and ammunition had been sufficiently at his command.

Wade and Roe, two of his officers, were natives of Bristol, and persons who had been proscribed as implicated in the Rye-house conspiracy. Both assured their leader that they knew the majority of the people of Bristol to be in his favour, and urged that an immediate assault should be made on that city, the possession of which, as a place of strength, would be important ; while the arms, and stores of all descriptions, that were deposited there, would be invaluable. Added to which, the soldiers of the garrison were at present all militia-men, whom it was certain their commander,

Issues procla-
mations—
march to
Bridgewater.

Intended
siege of Bris-
tol.

the duke of Beaufort, could not trust if a siege were commenced. Monmouth was so far governed by this counsel, that he advanced through Glastonbury and Wells to Keynsham, a village within five miles of Bristol. But at that place it was ascertained that a small body of regular troops had been sent to assist the garrison under Beaufort, and the duke's spirit of delay returned. It is said that Beaufort, being well aware of the disaffection of the townsmen, had declared that should any sign of insubordination appear among them, he would give the whole city to the flames, and that having contrived to send information of this threat to Monmouth, he set fire to a ship in the river, in the hope of suggesting the conclusion that he had begun to carry his menace into effect. Monmouth, it is added, was touched with pity on witnessing the conflagration, and exclaimed, "God forbid that I should be the man to involve my friends in the double calamity of fire and sword!" Thus an appearance, which, in the case of any leader equal to the conduct of such an enterprise would have been regarded as the summons of his friends to their rescue, was allowed to frustrate a design, on the vigorous prosecution of which the success, as was afterwards manifest, of the whole movement depended. It is even said, that the firing of the ship was the work of the duke's partisans, with the view of diverting the attention of the garrison to one quarter of the city, while the enemy should enter at the other.

However this may have been, orders were immediately given to proceed to Bath instead of Bristol. The regular troops in Keynsham, England at this time did not exceed seven thousand men; but after the retreat from Keynsham, the duke had no prospect of being able to equip a much greater number of adherents than were then with him, and almost every hour tended to show more and more plainly that the delays which he had persuaded himself would be so conducive to the accomplishment of his designs, had proved much more favourable to the power of his enemies than to his own. One of his own historians, accordingly, on leaving the neighbourhood of Bristol, observes, "this was the top of our prosperity." *

On reaching Bath, the king's forces under lord Feversham were seen on the hills in its neighbourhood. The duke summoned the town to surrender, but the authorities of the place set him at defiance. He was still disinclined to trust his followers in a struggle with regular troops, though double their number, and marched by the way of Philipsnorton towards Frome. Some skirmishing and cannonading occurred over this space, in which the advantage appears to have been with the insurgents, so much so that the royalists were not themselves disposed to hazard a general engagement, but withdrew to Bradford, a town some miles in their rear and to the left of them. The

* Life of Lord Jefferies, 253, *et seq.* Ralph, i. 875—879. Echard, 1063, *et seq.* Oldmixon, i. 701—703. Reresby, 201—207.

people of Frome received the duke with the greatest readiness, but a supply of arms which he hoped to find there, had been seized by the royalists some days before. Here also he had expected to meet an accession of cavalry from Wiltshire, but no such assistance arrived; and at this place it was that the tidings reached him concerning the total failure of the attempt under Argyle. Feversham, in the mean while, was approaching with a reinforcement of thirty field-pieces.

Nearly all hope of success had now vanished; and Monmouth himself seemed inclined to listen to those who counselled that the general officers should endeavour to make their escape from the country as they best could, leaving the men in arms to disperse and shift for themselves. But this advice was condemned by every officer except colonel Venner, and it was in the end resolved to remain together and to share the chance of events as they should arise. With these views the insurgent army marched through Shipton-Mallet and Wells, in its way toward Bridgewater, at which place it arrived on the third of July. On the fifth, the approach of the royal army was announced, and the duke projected marching by Axbridge and Keynsham, towards Gloucester, with the intention of throwing himself on the assistance of his friends in Shropshire and Cheshire.*

But in the afternoon of the same day his grace became aware of the position which the royal army had taken at a place called Sedgemoor, about three miles from the town, and conceived the design of taking the enemy by surprise, in an attack under cover of the night. The general opinion was, that if the royalist infantry were not intrenched, it would be well to make the proposed attempt. Scouts were despatched to ascertain that point, and as they agreed in reporting that there were no intrenchments, it was resolved that an attack should be made.

At seven in the evening, the duke assembled his troops in the castle-field, and by eleven the whole were in motion, command being given that no gun should be fired, nor sound uttered, until the line of the enemy should be passed. The insurgents amounted to about five thousand men, still nearly double the number of the king's troops, but they were much inferior to them in cavalry and artillery, and above all in the advantage of discipline. The command of the duke's cavalry was entrusted to lord Grey; colonel Wade headed the vanguard of the infantry. The plan of the duke required that the cavalry should push their way into the camp, so as to prevent the royalist infantry from acting together. His three or four pieces of cannon were to follow next, the footmen coming in the rear. On approaching the enemy's line, however, it was found that if there were no intrenchments, there was a deep and almost impassable ditch, serving as a drain to the moor, which separated the space traversed by the insurgents from that occupied by the camp of the royalists. The cowardice of lord

Battle of
Sedgemoor,
July 5.

* Ralph, i. 879, 880. Fox's Hist. 239—243.

Grey at Bridport was displayed no less signally at Sedgemoor, and with the worst consequences. In the former case, the undisciplined footmen under his command rebuked his pusillanimous temper by the achievements of their own self-directed courage; but in the latter, the cavalry appear to have been panic-struck with their leader, and to have hovered about the field from the beginning of the fight to the end without once daring to take a part in it. The only effect of his lordship's advance was to give alarm to the royalists, so as to enable them to place themselves in a posture of defence before colonel Wade and his infantry had come up to effect their passage over the dike. Grey, on passing the ditch, was to have skirted the royalist camp, and then falling upon the cavalry, quartered, without suspicion of danger, in a village on the opposite side, was to have set fire to some of the houses, as a signal of his success. Monmouth looked anxiously for the expected signal, and thus not only lost the aid on which he had calculated from his cavalry, but was prevented bringing up his infantry with the speed he might have done, to supply the lack of service from that quarter.

Even now, however, affairs were by no means desperate. The infantry were no sooner permitted to attempt crossing the ditch, than they effected their passage in great numbers, and pressed with so much order and spirit on the royalists, as to spread confusion right and left of them. But Monmouth checked their impetuosity, and showed that he knew not how to expect success from any amount of courage except as put forth under the cautious restraint of certain received military rules. Order accordingly was preserved. But day began to dawn and the decisive blow was not struck. By that time, the better conduct of the royalist cavalry, and the arrival of their thirty pieces of artillery, from a point at which they had been placed to guard the high road to Bridgewater, gave the advantage to the regular troops. It is admitted on all hands that men could not have acquitted themselves better than did the insurgent infantry at Sedgemoor. In the language of a royalist who was present, they not only stood their ground with firmness and intrepidity, facing line to line with the too much dreaded veterans before them, "but fought as if every man expected a kingdom for his reward." Monmouth himself displayed his usual courage during the night. But soon after day-break he observed the enemy's cavalry closing about the quarter where he commanded, and fearing to be encompassed by them, was prevailed upon to be the first general officer, after lord Grey, to set the example of flight. His faithful followers covered his retreat, by continuing to occupy the ground as long as their ammunition served; and when they withdrew from the field, their enemies had learnt so far to respect their valour, that no pursuit of them was attempted until some hours afterwards. Many hundreds, however, of the unhappy fugitives were discovered in the hedges, corn-fields, and other hiding places, during the following day, and were sabred or shot without

mercy. It is supposed that not more than three hundred fell in the field ; but by the massacres which followed, the number of the slain was increased to two thousand.*

Monmouth, and the few persons attending him, directed their course toward the Bristol Channel. His judicious and faithful adherent, Dr. Oliver, urged that he should not lose a moment in seeking a temporary concealment in the principality ; but from that course he was dissuaded by lord Grey, a man in whose judgment he seemed doomed to place a ruinous confidence. Monmouth, Grey, and a German officer resolved to proceed along byeways towards Hampshire, the country best known to Grey, and through which he flattered himself it would be safest to pass for the purpose of securing a passage from the coast to the continent. They travelled separately, disguised as peasants ; but the price set on the head of Grey and Monmouth was such as to leave little chance of their escape. Grey was apprehended on the evening of the seventh. The German was taken on the following morning. He confessed that he had parted from Monmouth only a few hours previously, and before night the duke was himself a prisoner. He was discovered in a ditch, Monmouth partly concealed under fern and nettles, and greatly ex- and Grey made hausted in strength and spirits. Some peas found in his prisoners. pockets, gathered in the fields through which he had passed, appear to have been the remains of his only sustenance since he marched out of Bridgewater towards Sedgemoor three evenings before.

On that same evening, and in this state of depression, Monmouth wrote a letter to the king, in which he expressed the deepest sorrow Monmouth's and self-condemnation for the course he had pursued ; letter to the king. alleging that it had resulted from suffering his mind to be abused by false information, and his judgment to be controlled by men whom he now abhorred. He concluded with intimating that he had something to communicate, fit only for the ear of his majesty, and which, if he were favoured with an audience, would alone be sufficient to show the entire devotion to the royal interests that might be expected from him should his forfeited life be spared. The man who could descend to plead in such terms, even for his life, was not of a temperament to find his proper place as a leader in the paths of treason and rebellion.†

Monmouth and Grey reached London on the thirteenth. The queen dowager urged the king, with much earnestness His interview and generosity of feeling, to grant his nephew the solicited with James. interview ; and James was not himself proof against the appeal which had been made to his curiosity by the mysterious hint in the duke's letter. What the " one word " which was to prove of such

* Ralph, i. 880, 882, Reresby, 210 Life of Lord Jefferies, 254, Oldmixon, i. 703.

† Fox's Hist. 245—252. Oldmixon, i. 704. " The duke, when he was taken, was almost spent, not having been in a bed for three weeks ; he was quite unprovided with arms, nor made any defence." Reresby, 212.

grave import could be, was a question that might well occasion a variety of conjecture. In addition to which, the king had been informed by Mr. Ralph Sheldon, a gentleman of his bedchamber, who had been sent to accompany Monmouth during part of his journey to London, that the duke had more than insinuated he could make disclosures deeply affecting the integrity of lord Sunderland, the most confidential adviser of the crown. Under these influences James consented to the proposed interview. This proceeding was afterwards censured by the king himself—or by the compiler of his memoirs—as improper, unless he had been disposed to grant a pardon. According to the same authority, it appeared that the duke had really no important matter to disclose; that he descended to the lowest entreaties for his life, even to the extent of insinuating a willingness to profess himself a catholic, in conformity with the principles of his early education, if that might avail him. Great suspicion, however, attaches to these representations. Monmouth, no doubt, hoped to move his father's brother to compassion by the tenderness of his personal appeals. But he had not perceived, or had not sufficiently remembered, that he had to deal with a mind in which arbitrary principles and religious bigotry had done much to exclude humanity, in certain connexions, from among the virtues—narrowing an understanding always defective, and hardening a heart at best but ill supplied with the softer affections. James, having encouraged hope by granting an interview, gave the suppliant to understand that it would be in vain to cherish it, and talked of his having proclaimed himself king as an offence which of necessity placed him beyond the limits of mercy.*

Monmouth now resigned himself to his fate, and suddenly resumed
 Prepares for a composure and dignity of manner, and as much cheer-
 death. fulness in his conversation as became a man in such
 circumstances. Ken, bishop of Bath and Wells, and Turner, bishop of Ely, were ordered to attend him; but it was their pleasure to persecute the prisoner during his last hours with disquisitions in favour of passive obedience and non-resistance, and about the guilt of his public conduct as a violation of that doctrine, instead of occupying themselves in more rational attempts to prepare his mind for another world. Dr. Tennison, who attended him at his own request, was a divine of the same school, but his greater moderation, and better judgment, rendered him more acceptable. The duke had not lived with the duchess of Monmouth for some years, and her place had been supplied by lady Harriet Wentworth, a person to whom he felt so strong an attachment, that those who knew him best attributed his great solicitude for life mainly to that feeling. When the bishops pressed him to confession on this point, he maintained to the last, that he regarded the lady Harriet as being truly, and before God, his wife, and his early

* James's Memoirs, ii. 32—37. Fox, 253, *et seq.*

betrothment to the heiress of Buccleugh, as an inconsiderate and premature contract which experience had dissolved. Among the inventions circulated in the hope of degrading this ill-fated person, and of diminishing the popular sympathy in his behalf, was a report that the duchess of Monmouth, having obtained permission to visit him in the Tower, he disowned all relation to her, and refused to see her. Others admitted that the interview took place, but described it as cold and unnatural. In the account preserved among the manuscripts of the Buccleugh family, the duke is described, by one who was no friend to him, as not only consenting to see his wife, but as having given "her the kindest character that could be, and begged her pardon of his failings and offences to her, and prayed her to continue her kindness and care to his poor children." The duchess herself embraced his knees, shed many tears, entreated his forgiveness of anything she may have done to displease him, and fainted under the strength of her emotions. The object of the interview, however, on the part of the duchess, was not any interchange of affection, but simply for the purpose of putting certain questions to the duke, in the presence of witnesses, which might serve to protect herself and her children from sharing in the consequences of his rebellion.*

We have seen that Monmouth arrived in London on the evening of the thirteenth. The next day he had his interview with the king, and in the course of that day he was admonished ^{His execution.} to prepare for death the following morning. His petition for the respite of a single day was peremptorily refused. At the place of execution, on Tower-hill, he appeared to survey the scene around him, and the implements of destruction at his feet, without dismay. He expressed his sorrow for the blood which had been shed, but he had ever meant well to the nation, and no remonstrance on the part of the prelates who attended him could bring him to make any profession of repentance concerning his intentions. He took the axe in his hand, and touching its edge, observed it was not sharp enough. He gave the executioner only half the sum intended for him, stating, that if he performed his office with more skill and dispatch than in the case of lord Russell, the remainder would be given by an attendant. The effect of this precaution was the opposite of its design. The courage of the headsman failed him: his first blow was so ineffectual that the unhappy victim turned and almost rose from the block, as if to reproach his torturer. A second and a third stroke followed, before life appeared to be extinct. The man then threw the axe from his trembling hand, and declared he could do no more; but the sheriff forced him to his office, and, after three or four more strokes, the head was severed from the body!

* Burnet, iii. 52—54, with the notes of the Oxford Edition. 1833. James's Memoirs, ii. 37, 38. Reresby, 213.

Such was the end of the duke of Monmouth, the eldest and the most beloved among the children of the late king. His capacity, if not of the highest order, was certainly considerable. He had served in several campaigns on the continent with much reputation; and his handsome presence, kindness of disposition, suavity of address, and general sincerity, had given him a strong hold on the esteem and affection of nearly all who knew him. That his understanding was not such as to prevent his being susceptible of flattery, and that the softness of his nature unfitted him for those perilous conflicts to which his aspiring temper, and his proneness to confide in the judgment of others, sometimes prompted him to engage, is unquestionable; but those were infirmities which, if they leave him exposed in some degree to our censure, give him a strong claim on our sympathy. His evil genius, during his latter years, lord Grey, was in some sense more fortunate. By his confessions, and by large bribes to the court, particularly to lord Rochester, he obtained pardon.

By this time, reports of the military executions resorted to in the west began to furnish matter for a variety of comment in the metropolis.* On his return from the pursuit and slaughter of the insurgents, Feversham marched, before the close of the day, into Bridgewater, having with him a number of prisoners, tied together in the manner of galley-slaves. These had not been put to death on the spot where they were seized, as it was deemed expedient to make an example of them in another form. Twenty-two of their number were hanged, without any form of trial, on sign-posts, and on beams set up for the purpose by the road side. Among them was an officer, named Adlam, already faint and expiring of his wounds. Four, as if in mockery of the proceedings of regular law, were hanged in chains. One man was promised his life on condition of his keeping pace with a horse at full speed for half a mile, the same rope being tied round the neck of the horse and the man. The poor wretch performed this feat, and, in spite of his achievement, was put to death. Thus perfidy and sport were made to aggravate the horrors of capital punishment. How far these atrocities would have been carried at that time, if no check had been given to them, it is difficult to say; but Ken, the bishop of the diocese, whose zeal as a royalist all men knew, ventured to interfere, denouncing such acts as murder, and insisted that, the battle being over, every man should be put upon his trial before punishment.

* Among the many narratives of these proceedings, and of the subsequent conduct of Jefferies, which have been published, that supplied by sir James Mackintosh appears to be the most deserving of confidence, as it is not only sustained by some new authorities, but is given as the result of a very careful scrutiny of the old. Some of the worst deeds imputed to the military leaders are given up as not sustained by sufficient evidence, but the facts which remain are sufficiently revolting. The account in the text rests on the authority of sir James where no other authority is given. Hist., 13—36.

But the bishop soon withdrew to his residence ; while Feversham prepared to obey the call which required him to make his appearance at court, that he might receive the acknowledgments and distinction to which his services had entitled him ; and his successor in authority, colonel Kirke, if any credit is due to traditions which have prevailed over the west of England from that day to the present, exceeded Feversham in the lawlessness and barbarity of his proceedings. It is certain that he signalised his entrance into Taunton, on the third day after the battle, by ordering, on his own authority, nine of his prisoners to be hanged ; and their names were formally entered in the register of the parish where they were interred, as those of persons executed for high treason. Such acts of tyranny, we have reason to believe, were often made to the last degree revolting, by being mixed up with insult, mockery, and the usual debaucheries of military licence. Much violence and excess was, no doubt, unavoidable. The collision was constant between the soldiers, who were in search of rebels ; and the people, who were generally disposed to favour their concealment and escape ; and the bitterness between these parties, and the evils to which it led, were increased by the activity of mercenary or malicious persons who busied themselves as informers. Kirke and his soldiers had formed part of the garrison at Tangier, and as their hostilities in that place were against the enemies of Christianity, he had caused the figure of a lamb to be painted on his colours. The people of Somersetshire observing the emblem under which these ruffians pursued their debauched and murderous vocation, gave them—with an irony which had more of sorrow than merriment in it—the name of Kirke's lambs, a designation by which they were remembered for generations afterwards.

The least faulty part of Kirke's proceedings was, in attempting to enrich himself, in imitation of the magistrates, and ministers of the crown, by selling pardons to the prisoners who came into his hands. Corruption in this case came as an abatement upon cruelty. There is room also to suspect that some of the more brutal actions attributed to this commander in the traditions of the west, owe their origin to the terror and indignation which his unquestionable severities and excesses had produced ; his followers too, there is reason to believe, were many of them under less restraint than himself, while everything done by them would be very naturally ascribed to his orders. Nor is it to be doubted that he well knew the temper of the government, and was aware that his services would fail of acceptance in the highest quarter, if they were not such as to connect terror with the idea of insurgency from one end of the kingdom to the other. Sunderland wrote to him frequently, expressing the king's entire satisfaction with his conduct, and never complaining of what was done, except when it appeared that his authority had been exercised in

setting prisoners at liberty without consulting his superior.* We may therefore believe this man, when stating, at a later period, that his severities fell short of the orders he had received. It has been conjectured, indeed, that his removal from the west in the following August, was on the ground of his having shown signs of weariness in the inquisitorial and oppressive services demanded of him. It is well known that his successor, colonel Trelawney, a day or two after his promotion, ordered Sept. 1. three men to be hanged as rebels at Taunton without trial of any sort, so far was he from apprehending that any censure was likely to be incurred by his reviving the memory of the most illegal and merciless of the proceedings that had marked the career of his predecessors.

But if it be proper to condemn the conduct of military men who defeat the ends of justice by abandoning all the rules of law, of the Judges. what should be said of judges when found indulging in all the summary cruelties of martial law, under the forms of a civil administration? On the twenty-fourth of August, a commission was issued which deputed Jefferies, the lord chief justice, and four judges, Montague, Levinz, Atkins, and Wright, to proceed on the western circuit, for the trial of the prisoners taken during the insurrection. It was also required that all officers in those parts should furnish such supplies "of horse and foot as might be demanded by the lord chief justice for securing prisoners, and to perform that service in such manner as he should direct."

Jefferies commenced his circuit—or, as James frequently called it, his Trial of Mrs. "campaign,"—at Winchester, on the twenty-seventh of August. In that place the judges were chiefly occupied with the trial of Mrs. Alicia Lisle. The prisoner was charged with having sheltered in her house, for a single night, two men who were fugitives from the routed army at Sedgemoor. She was more than seventy years of age, her hearing served her but imperfectly, and she was liable, from her advanced years, to fits of dozing and lethargy, which deprived her of consciousness. But though without the assistance of counsel, she defended herself with a dignity and self-possession which exhibited a singular contrast to the scurrilous language and boisterous manner of the lord chief justice. There were some facts in the history of this much-injured woman which, no doubt, served to create a degree of prejudice against her; but there were others which should have been allowed to speak still more strongly in her favour. Her husband was the son of sir William Lisle, of the Isle of Wight. He was a member of the Long Parliament, and one of the Council of State instituted in those times. He was also a commissioner

* See these letters printed for the first time from the State-Paper Office, in the Appendix to Mackintosh.

of the great seal, and assistant to the lord president in the high court of justice for the trial of Charles I. The name of Lisle is not found in the warrant for the death of the king, but at the Restoration he left the country, with his friend general Ludlow, and was afterwards assassinated by two Irish royalists, who expected a large reward from the English government for such a piece of service. His wife remained in England, where she appears to have avoided all connexion with political parties, and though a presbyterian, to have conducted herself so as never to have been suspected of disloyalty. Her political preferences appear to have differed widely from those of her husband, for she had always shown herself inclined to the cause of the royalists, and had often befriended them in their distress. She declared, and with apparent truth, that no woman in England had shed more tears over the death of Charles I. than herself. Since the Restoration she had always professed and manifested attachment to the crown; and she had not only declared herself hostile to the designs of Monmouth from the time of his landing, but had sent her son, whom she had bred a soldier, to hazard his life in the king's service at Sedgemoor. She named upon her trial several distinguished persons who had known her intimately and for many years, some of whom were dead, and others at a distance; but who, if permitted, would have borne testimony to the loyalty of her principles and conduct.

Of the charges against her, no point that could justly have affected her life was proved. One of the persons whom she received into her house was a presbyterian minister, named Hicks; the other an insurgent named Nelthorpe. Concerning Hicks she confessed, "I knew him to be a nonconformist minister, and there being, as is well known, warrants out to apprehend all nonconformist ministers, I was willing to give him shelter from those warrants." Of Nelthorpe, she maintained, she knew nothing, either in name or person. She further pleaded, that admitting it to be the law, that persons convicted of harbouring traitors became themselves liable to the penalties of treason, it would be to invert the just course of things to adjudge her guilty of treason, until the persons whom she was accused of concealing should have been adjudged traitors.

In the evidence, the first part went to show that Hicks had been seen "up and down" with the insurgent army at Keynsham, and that he had there spoken favourably of Monmouth, and with dissatisfaction of the king. But it was not proved that he was in arms, or that he did anything which could be justly construed as an overt act of treason. The remaining evidence was that of a countryman, named Dunne, who was desired by some one to go to Moyles-court, the house of Mrs. Lisle, and to ascertain if she would be willing to receive Mr. Hicks. This she consented to do, naming a time, and the witness conducted Hicks and another man to the house at the time mentioned. The next day the house was searched and the fugitives seized. It appeared, further, that

in the course of the evening, when the witness, Hicks, and the third person were sitting together in the prisoner's house, there was some discourse respecting the battle, but the particulars of the conversation the witness did not remember, nor was it proved that Mrs. Lisle was present when that conversation took place.

Every artifice was employed by Jefferies to render the evidence extorted from Dunne fatal to the prisoner. Pollexfen, the counsel for the prosecution, introduced him as an unwilling witness, and requested the chief justice to examine him strictly, upon which Jefferies spared no pains to fix the imagination of the poor rustic before him on the all-surpassing guilt of perjury, and on the horrors of the doom awaiting him at the last day, and in the world below, should he fall into that sin. He next admonished his victim, that no concealment or prevarication could possibly avail him, insinuating that enough was known of the whole business to convict him of falsehood the moment he should resort to it, and to secure to him the punishment which any delinquency of that nature might be found to deserve. The witness, as he proceeded, found himself assailed with the most insulting language. His religious tenets, his manners, his person, all were made subjects of ridicule; he was charged with the most corrupt perjury; and threats of vengeance and imprecations were heaped upon him without mercy, until, bewildered and terrified, he declared "he knew not what he said," and added, in his utter helplessness, "I am cluttered out of my senses; tell me, my lord, what you would have me to say." That some shades of inconsistency should be worked into his evidence by such means was inevitable; still, his testimony, as a whole, was only to the effect above stated.

In summing up the case, the chief justice could not abstain from misrepresentations of the evidence; and having launched out on many topics adapted to incite and mislead the jury, he concluded by declaring that a case of treason was as clearly before them "as the sun at noon day." Some of the jury, however, desired to know whether, in point of law, it was equally treason to receive a person in the circumstances of Hicks, though not convicted as a traitor, and one who had been so convicted? Jefferies answered immediately, "It is all the same;" observing, that "otherwise, had Hicks been a wounded rebel, and died of his wounds, there would have been no means of subjecting the prisoner to the penalties which the law had provided against persons giving concealment to traitors;"—forgetting, with his usual unfairness, all observation on the opposite consequences of such a maxim. The jury, accordingly, retired, with the understanding that it became them to declare a prisoner guilty of treason in having harboured a supposed traitor, without waiting to obtain any legal proof as to whether the person so harboured was a traitor or not—thus giving their sanction to a maxim which tended to ensure the destruction of a multitude of innocent persons, as a necessary cost in the way of bringing retribution home to the guilty. The jury were

absent about half an hour : Jefferies became impatient, and expressed his surprise that in so plain a case they should have gone from the bar. On their return, in place of giving their verdict, they expressed their doubts whether the prisoner knew Hicks to have been in the army. The chief justice reminded them, with an air of surprise, and much sharpness, of the conversation said to have taken place at Moyles-court at supper-time, when there was some talk about the battle and the army, and the name of Nelthorpe was even mentioned, adding, that the prisoner was by, and heard all these things. The jury, however, were aware that Dunne had not said positively that Nelthorpe's name was mentioned, nor was it proved that Mrs. Lisle was present during the alleged conversation ; and the foreman still expressed the doubt of the panel as to the evidence of prisoner's knowing that the persons she received had been in the army ; on which the chief justice concluded by observing abruptly, that if there were no such proof as the particulars which he had mentioned afforded, the circumstances of the case altogether afforded the fullest possible evidence—he wondered what they could doubt about. Four judges sat the silent witnesses of these proceedings ; and the jury, finding themselves rudely shut out from all means of saving the prisoner, at length consented, rather than hazard a further collision with the court, to deliver the prey to the destroyer, by returning a verdict of guilty.

On the following morning Mrs. Lisle was placed at the bar to receive sentence of death, when Jefferies again broke forth into violent invectives against the presbyterians, mixed with some artful expressions, intended to operate, without holding out any distinct promise of pardon, as an inducement to some confession. Having pronounced the sentence, the judge next issued his orders that the prisoner should be burnt alive in the afternoon of the same day. But the clergy of the cathedral of Winchester interfered and procured a respite of three days, and during that interval lady St. John, and lady Abergavenny, wrote a letter to lord Clarendon, then privy seal, in her favour. That letter his lordship read to the king ; it touched on all the particulars in the history of the aged sufferer which have been already mentioned as speaking so strongly in her behalf ; and its weighty representations were strengthened by the influence of Feversham, who joined in petitioning for the exercise of mercy. But James descended to reply, that the matter had been so entrusted to Jefferies, as not to leave him at liberty to ^{Conduct of the} issue a reprieve for a single day—so deliberate and com- king.
plete was the understanding between the king and the chief justice in regard to the course of these proceedings.

Mrs. Lisle accordingly suffered death on the second of September, in the market-place at Winchester—her sentence being changed ^{Execution of} by the king, at her own request, from burning to decapi- Mrs. Lisle.
tation. She appeared at the place of execution with great composure,

and delivered a paper to the sheriff which bespoke the soundness of her understanding, and the excellence of her religious principles. "I have been told," she observed, "that the court ought to be counsel for the prisoner; instead of which there was evidence given from thence; which, though it were but hearsay, might possibly affect the jury. My defence was such as might be expected from a weak woman; but such as it was I did not hear it repeated again to the jury. But I forgive all persons who have done me wrong, and I desire that God will do likewise. I forgive him who desired to be taken from the grand jury to the petty jury that he might be the more nearly concerned in my death."*

While much of the public attention was occupied with these proceedings in Winchester, terror was diffusing itself daily over every part of Dorsetshire and Somersetshire,—the counties to which the movements of the insurgents had been confined, where the arrests were most frequent, and in which the trial of the prisoners awaited them. The insolence and cruelty of the military filled the defenceless people with every kind of apprehension; and the roads leading to the principal towns presented, as a constant spectacle, an unfeeling soldiery conducting their trembling victims, fastened in rows, or side by side, to their places of confinement. At Dorchester, the number of prisoners was three hundred and twenty. Jefferies had caused intimation to be given that confession afforded their only chance of escape. Not more than thirty-five, accordingly, ventured to put themselves on their trial by pleading not guilty, and of that number five only were acquitted, and twenty-nine were executed. After this example, the unhappy culprits generally availed themselves of the course said to be the only road to mercy—more than two hundred immediately confessing themselves guilty. Nearly a hundred persons were executed at Dorchester. At Taunton and Wells the prisoners arraigned were more than a thousand, of which number six only pleaded not guilty. No fact could more clearly demonstrate the strength of the

* The hearsay evidence, complained of by the sufferer as brought against her by the court, was introduced by Jefferies, who charged Dunne, the witness, with perjury, on the ground of his own alleged acquaintance with the circumstances of the case through the private confessions of Nelthorpe. Even Jefferies, however, was in some degree ashamed of this piece of injustice, and told the jury he did not mean that what he had thus disclosed should be taken as any part of the evidence. But, notwithstanding these expressions, it is manifest he expected and knew that this allegation would have the effect of evidence, both against the witness and the prisoner; and Dr. Lingard has not scrupled to mention it, as though it afforded some extenuation of the course pursued by the court and the jury—if, indeed, there could be need of extenuation, in a case in which the historian appears to have seen something to commend, but nothing to blame! Hist., xiv. 72, 73. Phillips's State Trials, ii. 165—204. Howell, xi. 298, *et seq.* Mackintosh, 15—21. Mrs. Lisle admitted that she knew the name of Nelthorpe had occurred in the proclamation, as that of one of the Rye-house conspirators, but denied that she knew the man who came with Hicks by that name: nor was any proof adduced to the contrary of this assertion. Neither was any part of the evidence inconsistent with her plea, that she knew nothing of Hicks, except as a nonconformist minister, who had become liable to penalties on account of some irregular discharge of his official duties.

general impression—that to expect any decent observance of the course of law or justice on the part of the judges would be utterly vain. In the county of Somerset, only six days were allowed to make the usual investigations in order to determine the shades of guilt, and the penalties due, in the case of a thousand and forty criminals! The names of two hundred and thirty-nine out of that number have been preserved, as those of persons who were executed, but as no official returns were made, it is impossible to say how many more may have suffered.

That these executions might strike the greater terror, it was arranged that the culprits should be separated, and the punishment of treason inflicted upon them in thirty-six different towns and villages. The ordinary executioners could not perform the amount of service demanded by the government, and those who came to their assistance often added to the horror and torture of the sufferers by their unskilfulness. The head being severed, the body was quartered, and the heads and limbs were borne in carts to the several towns or villages within a given circle, to be fastened up for exposure in the high-roads, upon the front of court-houses and churches, and in other conspicuous places in the streets. The roads were dreadful to pass; partly from meeting these mangled remains as borne about in carts, and partly from the sight of other unhappy creatures in course of removal from their prisons to the places of their own barbarous execution. England is described, by eye-witnesses, as being for more than sixty miles, the space from Bristol to Exeter, as “an aceldama”—the “gibbets, heads, and quarters, of its slaughtered inhabitants,” being exposed, not only in every principal city and town, but distributed so widely, that there was not a hamlet in all that extent in which the alarmed and sorrowing people had not to look on the remains of a relation, a friend, or a neighbour, thus exhibited. Three men were executed in the village of Wrington, the birth-place of Locke.

Hundreds who were not given up to the executioners were doomed only to a more lingering death, in being sent as convicts to the West Indies. Many contributed to enrich their persecutors by purchasing their pardons; and great numbers, including even women and children, were cruelly whipped in the public streets as guilty of sedition.*

Regular and minute accounts of these proceedings were sent to the king; and the language and conduct of the monarch during the whole of this period, was adapted to sustain and increase their severity, rather than to lay upon them the slightest degree of humane restraint. While Jefferies was at Dorchester, the great seal, which became vacant only three days be-

* A youth named John Tuchins, tried at Dorchester under the assumed name of William Pitts, was sentenced by Jefferies to be flogged annually in all the market-towns of the county. Had the sentence been executed, the boy would have been punished anew every fortnight for seven years. Tuchins suffered part of this sentence, and became a noted political writer in the next reign.

fore by the death of lord Guilford, was bestowed on him by his sovereign. Two days afterwards, having before expressed his eternal gratitude to the king for his promotion, the new lord chancellor wrote to Sunderland, from the same place, stating, that though "tortured by the stone," he had that day commenced his labour, and had "despatched ninety-eight rebels;" on which occasion Sunderland assured him, in reply, of the king's entire approbation concerning all that he had done.* In the same letter, the minister apprised him that it was the pleasure of the king to bestow a thousand of the rebel prisoners as convicts on several of his courtiers, and that, at her majesty's request, another hundred was to be placed at the disposal of the queen; the only condition of the grant being, that the persons receiving the prisoners should give security for their being enslaved, during at least ten years, in some island of the West Indies. Jefferies was not pleased with this scheme, and ventured to remind the king, in his letter to him, that the prisoners were worth from ten to fifteen pounds apiece, and that there were persons in the west who might expect to be benefited from that source; but, having thanked his majesty for his gracious acceptance of his services, he appears to have re-considered this matter on his way to Bristol, as he wrote from that place, three days afterwards, in a manner which showed that he had given up all hesitation about the proposed distribution of the convicts. Bristol he described as a more factious city than Taunton, but makes his boast that he had committed the mayor, and some of the aldermen, on the charge of sending men abroad as convicts on insufficient grounds, and having cautioned the king against being surprised into granting pardons, he adds, "I will pawn my life, and, that which is dearer to me, my loyalty, but that Taunton and Bristol, and the county of Somerset too, shall know their duty, both to God and the king, before I leave them."

From the fourteenth to the eighteenth of the month of September, days during which the executions at Dorchester, and the expected proceedings at Taunton, filled the west with its greatest terror, James amused himself with horse-racing at Winchester, the place which had been so recently stained with the blood of Mrs. Lisle. It was at this time, also, that his majesty spoke repeatedly, in his letters to the prince of Orange, and in his correspondence and conversation with foreign ambassadors, of the commission of the judges as "Jefferies's campaign," referring to the mixture of military and judicial authority with which the chief

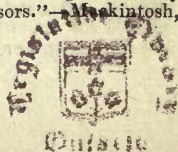
* The trials commenced at Dorchester on the tenth of September, and Jefferies speaks in the above letter of that date of having sent the king a relation of all that had happened in that place since his arrival, though obliged, from his acute sufferings under his malady, to make use of an amanuensis.—Mackintosh, App. ii. 685. He employed himself at Taunton in preparing the same "exact" report of proceedings there, and, as an apology for not forwarding it so quickly as he wished, referred his majesty to lord Churchill, who, having witnessed them, had departed immediately to London.—Ibid., 686—688.

justice had been invested. So defined and fixed were the arrangements between James and Jefferies, that, apart from the influence of the latter personage, the most potent intercession in behalf of accused or convicted persons was generally powerless.* James not only raised Jefferies to the chancellorship, as the manifest reward of his services, but when his lordship became dangerously ill, some months afterwards, in consequence of yielding to some of his usual excesses, the king spoke with much concern of the occurrence, observing that the chancellor was a servant of the crown whose place could not be easily supplied. All these circumstances make it in the highest degree probable, that Jefferies spoke the truth, when he declared concerning these matters, only a few minutes before his death, to the divine who attended him, that whatever he did in the west, he did by express orders, adding, "and I have this farther to say for myself, that I was not half bloody enough for him who sent me thither."†

While the counties of Somerset and Dorset suffered mainly on account of the insurrection, several trials, which arose more or less out of that movement, took place in London. Cornish, an eminent citizen, who had long made himself obnoxious to the court, by the part which he took in public affairs, was apprehended as having been concerned in the Rye-house plot, and was condemned and executed within ten days from his arrest—notwithstanding his solemn protest against this indecent haste as rendering it impossible that he should avail himself of a material witness in his favour. Rumsey, the principal witness against Cornish, was one of the two witnesses whose evidence had been received against lord Russell; and so manifest was his perjury, from the difference of his testimony in the two cases, and so loud was the dissatisfaction excited by taking away the life of a man of character upon such evidence, that James ordered the remains of Cornish to be restored to his family a few days after their exposure, and sent Rumsey into confinement, as a state-prisoner, for the rest of his days. It is melancholy to reflect, that it is in the nature of a bad government to place the most honourable lives at the mercy of the utterly worthless; and that the most wholesome forms of law may be made, in such hands, only to subserve the purposes of tyranny. Nothing but a virtuous love of liberty, so powerful and prevalent as to render proceedings of this nature clearly unsafe, can possibly secure a people

* Sunderland, the most powerful minister of the crown, interceded repeatedly with Jefferies for a youth named William Jenkyns, who was executed in spite of such powerful solicitations. He was the son of an eminent nonconformist clergyman, who had recently died in Newgate, after a long imprisonment inflicted on him for the performance of his clerical duties. Young Jenkyns distributed mourning rings, on which was inscribed, "William Jenkyns, murdered in Newgate." He was in consequence imprisoned in the gaol of Ilchester; "and being released by Monmouth's army, he joined his deliverers against his oppressors." Mackintosh, from an authority in the State-Paper Office. Hist., 28, 29.

† Burnet, iii. 66, 67, and notes, Ed. Oxford. 1833.



against the recurrence of such evils, when they happen to fall into the hands of such rulers.*

The case of Mrs. Gaunt belongs to the calendar of outrages perpetrated at this time under the forms of judicial procedure. Mrs. Gaunt. This female had favoured the escape of a man named Burton, when sought after as one of the Rye-house conspirators; and had shown herself willing to perform the same office for him when he afterwards appealed to her compassion as one of the fugitives from Monmouth's army. Burton was apprehended, but on hearing the proclamation which promised indemnity and reward to those who discovered criminals, was base enough to offer himself as a witness against the woman who had hazarded her life to save his own. The government had its choice—to prosecute Burton, or to accept his evidence, and to substitute in his place the benefactress whom he had betrayed. Mrs. Gaunt was one of the communion of Christians known by the name of Baptists; and her conduct in assisting this wretched man, appears to have resulted in part from her sympathy with the nonconformists, and with all persons supposed to be friendly to them, but still more from the humanity of her disposition, which had always prompted her to aid the distressed in whatever connexion she found them. Her accuser, indeed, intimated that her efforts in his behalf might have originated in fear lest anything should arise to implicate her husband; but there was not the smallest ground for such an insinuation. The witnesses against her were this man, Burton, with his wife and daughters; but their evidence proved nothing that should have been deemed treasonable. It was not proved that she knew Burton's name to have been in any proclamation, nor was it shown that it ever had so been. It was not proved that she knew him to have been concerned in any conspiracy, nor that he had ever been so concerned. But eight judges, with sir William Jones as lord chief justice, in the place of Jefferies, appear to have proceeded on the principle, "that the acts of the prisoner ought to bear the worst construction, and that guilt must be presumed, unless innocence be proved!"† After a summing up of the evidence by the chief justice, in a manner agreeable to this principle, the prisoner urged that she might be permitted to call witnesses in her defence. But that favour,

* Goodenough, formerly under-sheriff of London, was a witness with Rumsey against Cornish. But the indictment against the prisoner referred exclusively to the Rye-house conspiracy, in regard to which the testimony of Goodenough furnished no evidence. Cornish, accordingly, was condemned and executed for treason on the evidence of one witness, and that witness was Rumsey.—Howell, xi. 388, *et seq.* Phillips, ii. 219—232. The conduct of the bench in the course of this trial was outrageous. "No explanation," says sir John Hawles, "can be given of these proceedings, but that some of the judges had newly come out of the west, where they had been so flushed and hardened, that nothing appeared to them rigorous and cruel; and the others seemed to vie with them in their practice." *Ibid.*

† Phillips, ii. 214.

though granted in a former trial, was denied to her; and the jury being instructed to return their verdict, she was immediately declared guilty.

On the fourth day after her trial, Mrs. Gaunt suffered the sentence of the law, which, at that time, in the instance of females ^{Her execu-} convicted of treason, was to be burnt to death. ^{tion.} When

brought to the stake, she expressed her gratitude to God that he had enabled her to succour the desolate; that the blessing of those who were ready to perish had often come upon her; and that even in the act for which she was now doomed by men to destruction, she had been mindful of the authority which commanded to hide the outcast, and to shelter the wanderer. The eyes of the spectators were melted into tears, as they saw her gather the straw and material close around her, in the hope of shortening her agony, by giving greater force to the conflagration. The fire soon did its office; and thus, it has been well said, "was this poor and uninstructed woman supported under a death of cruel torture, by the lofty consciousness of suffering for righteousness, and by that steadfast faith in the final triumph of justice, which can never visit the last moments of the oppressor." * Our knowledge of the manner in which this sufferer met her fate is derived from the testimony of the quaker, William Penn, who was present. †

The prosecution of Mr. Hampden was now instituted anew, on the pretence that a second witness had appeared to the fact of ^{Case of Mr.} his having been present at the consultations which had ^{Hampden.} proved fatal to Russell and Sidney. We have seen that on the ground of his assumed guilt in that matter he had been sentenced in a fine of 40,000*l.* That sum his father had refused to pay, and the son had been detained a prisoner to this time. Mr. Hampden was now privately informed, that he might obtain pardon, on condition of his pleading guilty, and paying a sum of money much less than his original fine into the hands of some two persons who should be named by the king. On the day of trial, accordingly, the prisoner confessed himself guilty, and made his appeal to the royal mercy; the judges, in their turn, said much in praise of that mercy, and held out the hope that in a case where there appeared to be so much ingenuousness and contrition it would probably be exercised. The different parties having thus performed the part assigned them, the attainder of Hampden was reversed some months afterwards, on his paying the sum of 6000*l.* to be divided between the lord chancellor Jefferies and father Petre:—the former being, according to the constitution, the keeper of the king's conscience in regard to the duties owing to his subjects; and the latter being his chosen confessor in relation to his entire obligation with regard to God and man. ‡

Charges of treason were also preferred at this time against lord Dela-

* Mackintosh, Hist. 31.

† Howell, State Trials, xi. 409, *et seq.*

‡ Mackintosh, Hist. 33. Howell, xi. 479.

mare and lord Brandon. Against the former the principal witness Trials of lord was one Saxton, a man whose statements were so clearly Delamare and false, that the thirty peers who sat in judgment on this lord Brandon. case pronounced a unanimous verdict of acquittal. Nor was it found possible to bring a second witness against lord Brandon, without making use of Saxton, or of his companion in infamy, Rumsey. Lord Brandon was convicted on the testimony of these men, joined with that of lord Grey. It is said to have been stipulated by lord Grey, that no life should be sacrificed on the ground of his evidence; and apart from that circumstance, it was seen that to inflict capital punishment on a distinguished person, on the testimony of such witnesses as Rumsey or Saxton, the latter having perjured himself on the trial of lord Delamare, as clearly as the former had done on the trial of lord Russell, would be to provoke an impolitic degree of scandal. His lordship, however, was detained in prison more than twelve months, and two years passed before his pardon was obtained.*

James and Jefferies appear to have been agreed in attempting to Punishment make two important uses of the insurrection:—to diffuse by fines. terror by inflicting the most sanguinary punishment on a large number of the rebels; and to enrich themselves, or their instruments about the court, by means of the fines to be extorted from the more wealthy among the disaffected. The young women of Taunton who presented the colours and a Bible to Monmouth, were made to purchase their pardon by paying large sums to the queen's maids of honour. The sum demanded was 7000*l.*, and William Penn, in hope of securing the favour of the king to his own sect, descended to become the broker for the ladies of the court in this transaction †. The same parties received 1000*l.* from Roger Hoare, a trader of Bridgewater, as the price of his life. In London, William Kiffin, a well-known merchant and non-conformist, agreed to pay 3000*l.* to a courtier for the pardon of two young men, his grandsons, who had joined the standard of Monmouth. Jefferies chose to be amused, when on his circuit, by the drolleries of a buffoon, and in one of his seasons of indulgence was so much taken with the eccentricities of this attendant, that he threw to him a paper containing the pardon of a wealthy delinquent, with an expression of his wish that it might turn out a productive boon. It is, indeed, generally admitted, that pardons were very rarely if ever bestowed, except on such considerations.

The case of Mr. Prideaux will show somewhat further the extent to which this system was carried. This gentleman was a person of large property in the west of England, and son to the person of that name who filled the office of attorney-general during the common-

* Mackintosh, Hist. 33. Howell, xi. 479.

† Sunderland's letter to Penn, 13th February 1686, cited by Mackintosh from the State-Paper Office.

wealth, and under Cromwell. His wealth, and the real or supposed principles of Mr. Prideaux, exposed him, at the time of Monmouth's invasion, to the rapacity or suspicion of the royalists. Without any cause assigned he was placed under arrest. Jefferies, resolving to enrich himself from this source, employed agents to visit the different prisons, and to offer life, and a reward of 500*l.* to any of the prisoners who should furnish evidence against Prideaux. "Such, however, was the inflexible morality of the nonconformists, who formed the bulk of Monmouth's adherents, that they remained unshaken by these offers, amidst the military violence which surrounded them, and in spite of the judicial rigours which were to follow."* The failure of these inducements being so complete, Prideaux was set at liberty. Jefferies himself, however, obtained some sort of information against this person afterwards; and his talk, and private tampering with the witnesses—whose depositions were not made on oath—so far alarmed Prideaux, that he became anxious to compound for his alleged offence. His friends, on making their application, were informed "that the king had given him" to the chancellor, as part of the reward due to his services in the west; and to the lord chancellor of England, in name, the banker of Prideaux paid the sum of 15,000*l.* as the price of an escape from accusations, the nature of which he could never learn, and which there is reason to believe could not have been so employed as to have secured a conviction, even as trials were then conducted.†

* Mackintosh, Hist. 34.

† Kiffin's Memoirs. Orme's edit., 54. Ralph, i. 892, 893.

CHAPTER II.

Effect of the king's successes on his policy—Halifax dismissed. Meeting of parliament—Declaration of the king on the Test-laws—Debate concerning the standing army—The Commons petition for the enforcement of the Tests—Debates concerning a supply—James's answer on the Test-laws—Animated discussion in the Lords—Parliament prorogued. Countess of Dorchester. James obtains the opinion of the judges on the dispensing power. Court of High Commission instituted—Controversial preaching forbid—Prosecution of the Bishop of London. Attempts to make converts to the Catholic faith—Dismissal of Rochester. State of Scotland and Ireland. Attacks on the church and the universities—Resistance at the charter-house—In Cambridge—and Oxford—The court—Revocation of the edict of Nantes—Declaration for liberty of conscience—Disappointment of the king—Appeals to the Nonconformists—their conduct. The king adopts more decisive measures—Seizure of charters—Punishment of the non-compliant—Difficulties and determination of the king—Progress of affairs towards a crisis. Declaration of indulgence—the clergy required to read it from the pulpit—Petition of the bishops—Disobedience of the clergy—Prosecution of the bishops—their trial—and acquittal. Birth of the Prince of Wales—Conversion of Sunderland—Doubts concerning the birth of the Prince of Wales. Attempts to gain the Dissenters. Appearances of disaffection in the Navy and Army—Circumstances of the king. Prince of Orange, his connexion with English affairs—League of Augsburg—Mission of Dykvelt—Invitation to William—He puts to sea—Lands at Torbay—Conciliating measures of the king—the prince's declaration—Feeling in his favour—Desperate state of the king's affairs—Flight of the queen—Terms of the prince—Flight of the king—his detention at Feversham—consequences of that event—the king escapes to France—The convention parliament—Elevation of William and Mary to the throne—Character of the revolution of 1688.

It is in the nature of a premature, or ill-conducted revolt, to strengthen the power against which it has been directed. James was not insensible to the advantage which he had derived from this source. His error, indeed, consisted in his regarding the suppression of hostilities in England and Scotland, as amounting almost to an extinction of the very elements from which opposition to his plans might be apprehended. Before these successes, the parliaments of both kingdoms had manifested great subserviency to his pleasure; and so little disposed was he to look forward with any misgiving to the expected meeting of the two houses in the autumn, that previous to that time he ventured to dismiss Halifax from his councils. Louis applauded that proceeding; the allies viewed it with much apprehension; and at home, all men possessing the least sympathy with popular principles, spoke of it as a removal from the cabinet of the only person there at all likely to impose any measure of restraint on the arbitrary inclinations of the king. James acted on this

point in opposition to the advice of the more timid of his council, and observed that, by his conduct toward Halifax, he meant to indicate the course which he would be found to pursue toward all persons not prepared to act in strict accordance with his wishes.*

On the meeting of parliament, Waller, the poet, now in the eightieth year of his age, endeavoured to call the attention of the commons to the excesses and cruelties of the military in the west. But the subject was either so unattractive, or felt to be so dangerous to meddle with, that the speaker failed to obtain any support in expressing his wish that inquiry should be made concerning it. To provide against Monmouth's invasion James had more than doubled the military force at his disposal on his accession; and the great object of his speech to the English parliament at the opening of its second session, was to convince the house of commons that the true interest of the kingdom required the maintenance of the army on its present enlarged scale. That so much time should have been required to suppress so miserable an attempt as had been made by the duke of Monmouth, was set forth as a disgraceful exposure of the weakness of the kingdom which should not be allowed to occur again.

It was widely rumoured that the submission, which had marked the proceedings of the two houses on their first meeting, was not likely to be exhibited when they should be again assembled; and James, having expressed his hope and confidence that such talk would prove to be ill-founded, ventured to touch on one topic upon which some difference of opinion might arise, but in regard to which his own judgment and purpose were fully determined. His majesty had issued military commissions to catholics in violation of the Test-act, concerning which he observed—"The gentlemen, I must tell you, are most of them known to me; and having formerly served me on several occasions, and always approved the loyalty of their principles by their practices, I think them now fit to be employed under me; and I will deal plainly with you—that after having had the benefit of their services in such time of need and danger, I will expose neither them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me." James knew that he had taken a bold step in dismissing Halifax, but it was a much bolder act to set the laws at defiance, and that in language used on one of the most solemn occasions of state. But this virtual abolition of the Test-

Meeting of
parliament,
Nov. 9.

James declares
his intention
not to enforce
the Test-laws.

* James remarked to Barillon, with a smile, "I do not suppose that the king, your master, will be sorry for the removal of Halifax. I know it will mortify the ministers of the allies." Barillon au Roi, October, 1685. Reresby states that this step was regarded as preliminary to some effort during the approaching session "in favour of popery," and James informed Barillon that his design was to obtain a repeal of the Test and Habeas Corpus acts, the latter being as much opposed to the royal authority, as the former was to the catholic religion, and that Halifax was not to be relied upon for such measures. Reresby, 214, Fox, App. cxxi. Burnet, iii. 71, 73.

Act, now deemed one of the great bulwarks of protestantism, by the sole power of the crown, diffused suspicion and disunion even among the most extravagant adherents of the court, and enabled the friends of the constitution, though apparently a feeble remnant, to make some stand for its preservation.*

The debate on the king's speech was postponed for three days, notwithstanding the immediate consideration of it had been moved by Middleton, one of the secretaries of state. On the twelfth, the commons resolved themselves into a committee of the whole house on that subject. Sir Winston Churchill, and the lords Preston and Ranelagh, spoke of the militia as affording no adequate security, and maintained that nothing less than the present standing force would suffice as the means of tranquillity at home and credit abroad. But sir Thomas Clarges, a courtier of extreme tory principles, complained that no fair trial had been made of the militia during the late rebellion, and ventured to remind the house, that overjoyed with the promises of his majesty's speech on their first meeting, they had voted altogether four millions of money for his service, raising his yearly revenue to nearly half that amount—a sum, he observed, sufficient to provide even for the present army, should it be deemed necessary to employ so large a portion of the means of the country for such a purpose. But he added, that he was far from thinking such a proceeding expedient; that, opposed as he had been to the exclusion bill, he was deeply convinced of the great value of the Test-Act, which, in the language of the late king, provided against a "popish army," if it left them open to the chance of a popish successor; and having described the conduct of the sovereign in violating that act as inconsistent with his former promises, as a breach of the national liberties, and as a blow struck at their all, he concluded by calling upon the house to declare that "a standing army is destructive to the country." Sir Edward Seymour, a politician of the same school, spoke to the like effect, which emboldened such men as sir Richard Temple and old serjeant Maynard to express themselves strongly on the same side; and the question that a supply should be given to his majesty "towards the support of the additional forces," was lost by a majority of two hundred and twenty-five to one hundred and fifty-six. The question of a supply separate from that specification was agreed to without a division, but carried with it a provision for bringing in a bill "to render the militia more useful."

The house met again on the thirteenth and fourteenth, when the feeling in opposition to the proposed standing army, and the retention of the catholic officers, was expressed more strongly and generally than before; and, as the result, an address was agreed to on the sixteenth, in which the

The commons
petition the
king to enforce
the Test-laws.

* Parl. Hist. iv. 1367—371. Burnet, iii. 88.

commons declared that the persons who had received military commissions contrary to the Act "for preventing danger which may happen from popish recusants," were by law incapable of their employments, and that the incapacities attaching to them "could in no way be taken off but by act of parliament." They also added in conclusion—"because the continuing of the said officers in their employments may be taken to be a dispensing with that law without act of parliament, (the consequence of which is of the greatest concern to the rights of all your majesty's subjects, and to all the laws made for the security of their religion) we therefore do most humbly beseech your majesty, that you would be graciously pleased to give such directions therein, that no apprehensions or jealousies may remain in the hearts of your majesty's good and faithful subjects."

The house now resumed the question of supply, to determine its extent, and the sources from which it should be raised; and, in the discussion which ensued, the singular position of parties exhibited in the debate on the address was again manifest. Debate concerning a supply. The members of the government urged that the sum should not be less than 1,200,000*l.*; but in order to limit the grant to a very much smaller amount, some of the most zealous Tories began to avail themselves of a strain of argument which they seemed to have borrowed from the popular leaders in the long parliament. They renewed the expression of their suspicions concerning a standing army; they insisted that a powerful navy was not only less dangerous to domestic freedom, but that to an island territory, like that of Great Britain, it was in all respects preferable, as affording at once the best means of safety and prosperity; they did not scruple to intimate, that to grant large supplies at this juncture of affairs, might be to leave it as a matter of choice to the crown whether they should ever be assembled again or not, and thus to place their liberties and religion in the greatest danger. Liberal members, of course, strengthened these representations; and in the end it was resolved to grant a supply of 700,000*l.* to be raised in five years, by a duty on articles of French and East Indian merchandise.

The vote concerning the means of raising the 700,000*l.* passed on the seventeenth, and on the following day the speaker read the answer of his majesty to the address of the house. The monarch observed that he had not expected such an address from the house of commons, especially after the warnings he had given them of the evils which might arise from misunderstandings between him and them. "I had reason to hope," he added, "that the reputation God has blessed me with in the world, might have created and confirmed in you a greater confidence of me, and of all I say to you. But however you, on your part proceed, I on mine shall be steady to

The king's reply concerning the Test-laws.

all the promises I have made, and be very just to my word given in every one of my speeches." This answer the king had read to the commons at Whitehall the day before, and was observed to do so "with great warmth."* When it was read by the speaker, Mr. Wharton moved, after an unusual interval of silence, that a day should be fixed to consider it; and Mr. Coke, member for the town of Derby, said, in rising to second the motion, that "he hoped they were all Englishmen, and not to be frightened from their duty by a few high words." But Coke, who, with Wharton, was a whig, had not borne sufficiently in mind that the greater spirit of resistance shown by his political opponents had respect to nothing beyond the safety of the established church, supposed to be dependant on retaining the Test-act inviolate. His words were immediately taken down, and though he apologised for having uttered them, and declared that he meant nothing disrespectful either to the king or the house, he was given over to the serjeant-at-arms and lodged in the Tower. But it was easier thus to dispose of Mr. Coke than to say what was to be done with his majesty's speech. After a short discussion, it was agreed that the deliberation upon it should be deferred to a future day.

In the mean while, the spirit displayed in the commons, and the discontent and suspicion which were finding vent in every animated discussion in the connexion, began to produce their natural effect on the lords.

house of lords. When his majesty's speech was read in that assembly on the opening of the session, and it was moved that the house should express its thanks for that communication, Halifax observed satirically, that such a vote would of course be highly proper, seeing his majesty had dealt so explicitly with them in the statement of his intentions. Their lordships came to a vote expressing their thanks to the sovereign for his speech, but without making any allusion to the matters contained in it. On the nineteenth, two days after James had delivered his reply to the address of the commons in Whitehall, lord Devonshire called the attention of the upper house to the fact, that there was a standing army in the country kept up in a manner contrary to law. He was supported in his free observations on this subject by the lords Halifax, Nottingham, Anglesea, and Mordaunt. The youthful ardour of Mordaunt, better known afterwards as the earl of Peterborough, carried him beyond the limits which his more cautious friends had prescribed to themselves. He complained of the commons as stopping short of the facts of the case in talking of "ambiguous measures," and of occasion for jealousy and distrust. There was no ambiguity in the business. An army was to be kept up contrary to law, and in time of peace, the effect of which must be to introduce an arbitrary government,

* Reresby, 219.

abhorrent to the feelings of all Englishmen. Compton, the bishop of London, spoke in favour of the motion, in the name of his brethren. The chief speaker on the other side was the lord chancellor Jefferies, who indulged in the noise and insolence which had too often served him elsewhere, but which in this connexion proved to be greatly misplaced. It was observed that, from that day, the vulgar arrogance of this man gave place in that quarter to a marked servility and meanness. So strong was the feeling against him, and against the measure which he laboured to defend, that the motion to consider the subject on the twenty-third instant was agreed to, in a very full house, without a division.

James now saw that to proceed cordially with either house of parliament it would be necessary he should retreat from the Parliament position which he had taken in regard both to the army prorogued. and the Test Act. But mistaking obstinacy of purpose for vigour of understanding, he resisted every thought tending to such a surrender. He prorogued the parliament, and resolved that it should not meet again except under some better auspices. The king, as his manner was, had been present in the house of lords during the debate on the nineteenth, and had expressed himself much displeased with the speeches then made. On the following morning, he suddenly presented himself, in his usual state, and declared, by the chancellor, to both houses, that, for certain weighty reasons, he had determined to prorogue the parliament to the tenth of February. By this act, the incomplete money bill, which, in the time specified, would have yielded 700,000*l.*, was lost to the exchequer; nor could James conceal from himself, that it was a proceeding which would increase the suspicion and irritation of the discontented everywhere; but looking at the general posture of affairs, it was the course attended, in his judgment, with the least degree of evil. It was hardly possible he should hope ever to convene another house of commons so subservient; and it was difficult accordingly to imagine by what means, short of a complete abeyance of the constitution, he could expect to carry on the government of the country.*

France and the allies were equally watchful of these proceedings, and equally prepared to purchase the assistance of the crown, the court, or the opposition, as circumstances might suggest. At present the scale turned in favour of France. James assured his parliament in July, that he had "a true English heart;" but only six weeks before, he had written to Louis, entreating a secret subsidy, and declaring, with the same emphasis, that his heart was French.† Having come to this rupture with his parliament, his views were naturally directed to Versailles,

* Parl. Hist. iv 1371—1387. Burnet, iii. 89—94. Reresby, 214—221. Ralph, i. 902—909—Fox, App. cxxiv.

† Fox, App. cv. Parl. Hist. iv. 1359.

rather than to the opponents of that power, partly from inclination, and partly from the prospect of obtaining larger pecuniary assistance from that source.

About this time, the king was prevailed upon by his queen, and by Court cabal the catholic party about the court, to send his favourite against Catharine Sedley. mistress, the countess of Dorchester, formerly Catharine Sedley. Jan. Feb. out of the kingdom. James resisted all importunity on this subject for some time. His compliance at last was attended with important consequences. The countess boasted of being a zealous protestant, and her wit and influence had been employed with much freedom and effect against the priests and the party supporting them. Her banishment was followed by the elevation of Sunderland to the office of president of the council; by the ascendancy of the queen, and of the extreme catholic party, in all the consultations of the cabinet; and by that general change in court affairs, which ended in adding the disgrace of Rochester to that of Halifax. Several members of the commons were dismissed from civil and military offices on account of their recent votes; and the part taken by the bishop of London in the lords was punished by his exclusion from the privy council.* In short, all things seemed to bespeak a readiness to adopt measures more and more violent. The more sagacious among the catholic laity, and even d'Adda, an Italian prelate, who was privately received as a minister of the see of Rome, would have disposed the king to a more cautious and moderate course; but the summary counsels of the jesuits and others were more agreeable to his own views and temper, and were followed accordingly.†

James is said to have hastened the prorogation of parliament, partly from fear lest the two houses should call for the opinion of the judges concerning his suspension of the Test

* "Things now, with regard to those who enjoyed any posts under the government, seemed to be carried to a very extraordinary length; for Fox, the paymaster of the army, whose employment was valued at 10,000*l.* per annum, and colonel John Davey, grandchild and heir to the earl of Holderness, having offended the king by their votes in the lower house, and having been thereupon forbidden the king's presence, were wholly laid aside; and it was now said that in council it had been agreed, that all persons who for the future offended in that way would be served in the same manner, which startled many people. There were several other members dismissed from their employments, for not voting as the king expected they should, and particularly such as were officers in the army, who being not only so, but also great and very eminent for their families and service to the crown, it was matter of great wonder to every body." Reresby, 224, 225. "The earl of Middleton, then secretary of state for England, seeing many go out upon the division against the court, who were in the service of the government, went down to the bar, and as they were told in, reproached them for voting as they did; and captain Kendal being one of them, the earl said to him, 'Sir, have not you a troop of horse in his majesty's service?' 'Yes, my lord,' says the other; 'but my brother died last night, and has left me 700*l.* a year.' This incident upon one vote, very likely saved the nation." Note of speaker Onslow on Burnet, iii. 92. Ralph, i. 928.

† Reresby, 230, 231. Ralph, i. 961. Ellis Correspondence, i. 23. 32. 35. 38. 42. 92. Burnet, iii. 120, 121. Mackintosh, 52—55.

Act; in which case, the apprehension of impeachment, might have contributed to secure a decision unfavourable to the court. It was now arranged that one of the catholic officers should be prosecuted the judges in the court of king's bench, in order that the judges might concerning the be required to give their opinion. These judges were re-dispensing power. Jan. 21. movable at the pleasure of the crown. They had all of them been more or less parties to the tyranny and cruelty which had marked the recent trials; and James appears to have fully calculated on their compliance with his wishes. But, to his surprise and mortification, four of their number, Jones, Montague, Charlton, and Neville, when privately consulted, declared their inability to deliver the judgment which the king desired to obtain. Jones had presided at the trial of Mrs. Gaunt, and Montague had been the companion of Jefferies in his "campaign." Whether we should attribute the conduct of these men in this instance to public virtue, or to the influence upon them of the rapidly changing temper of the times, is very doubtful. James, however, proceeded toward his object without dismay. He removed six of the judges in prospect of this trial, and of the six men raised to the seats which thus became vacant, two were catholics. Eleven out of the twelve judges delivered their opinion, after a trial of five days, in favour of the dispensing power of the crown; and Street, the only dissentient, there is reason to believe, became such by collusion, that something like an appearance of impartiality might be given to the decision of the rest.

The argument in favour of the crown, as usual in such cases, was founded, for the most part, on a few remote or obscure instances, in which the power of the sovereign had been exercised in disregard of the law, these occasional irregularities on the part of the government mostly in remote or disturbed times, being enlarged upon as precedents, and as showing that there was inherent in the crown an authority which might be put forth, at any time deemed expedient by its possessor, in a manner to supersede the most acknowledged laws of the constitution. The language in which the judges expressed their decision was of the most absolute description, and went to show that the whole fabric of English liberty was a matter of royal sufferance. "The kings of England," they said, "are sovereign princes; the laws of England are the king's laws; therefore it is an inseparable prerogative in the king of England to dispense with penal laws in particular cases, and for particular necessary reasons, of which reasons and necessities he is the sole judge; and this is not a trust vested in the king, but the ancient remains of the sovereign power of the kings of England, which never yet was taken from them, nor can be." This decision, and the manner in which it was obtained, filled all good men with a mixture of sorrow and indignation, and to the government which it was designed to uphold it became a new occasion of weakness.*

* Ralph, i. 918—920. 922. 923. Burnet, iii. 97—100. Reresby, 232, 233. Mackintosh, 56—64.

James, however, did not become immediately aware of the impression which this proceeding had made; and instead of looking with apprehension to the consequences which might be expected to follow from it, he made a boast of his determination to do according to his pleasure in regard to the offices of the church, no less than to those of the army. The established church consisted, in his view, of a communion of heretics: in assuming, as a catholic, the supreme authority in regard to such a communion, he accounted himself as fulfilling the behest of Providence, and as bound to employ the large powers with which the law and usage of England had vested its sovereigns in order to the preservation of that church, as means wherewith to break in upon its immunities, and, probably, to put an end to its existence. With this view, he issued instructions to certain ministers, prelates, and judges, to act as a new court of high commission in ecclesiastical causes.*

The first business of these new functionaries was, to enforce the order of the king prohibiting preachers from introducing any controverted matter in their discourses—in other words, the ministers of a protestant establishment, as an act of obedience to a catholic authority, were not to engage in any public defence of their common protestantism. In such a case acts of disobedience were of course numerous. The clergy spoke more loudly than ever of the danger to which their religion was exposed, and many of them enlarged without scruple on the great points of the controversy with Rome. Sharpe, dean of Norwich, was one of the more conspicuous offenders, particularly as he was accused of saying that none but weak heads could possibly be satisfied with the popish arguments, which was construed as a reflexion on the understanding of the king. It was resolved to make an example of this zealous divine. Sunderland wrote to Compton, bishop of London, in the name of the sovereign, requiring him, as Sharpe's superior, to suspend him at once from preaching. The bishop declined proceeding in this summary manner, urging that Sharpe

* Burnet ascribes this proceeding to the advice of Jefferies, iii. 108, 109. James insisted that the authority exercised by him in creating this tribunal, for the correction, according to law, of all ecclesiastical abuses, was inseparable from the ecclesiastical supremacy of the crown. Certain powers of the old Court of High Commission, it was admitted, had been put an end to by the statute of 1640, and remained illegal; but the powers of this court, it was maintained, were authorised by the subsequent statute of the thirteenth of Charles II. in relation to "the perpetuity of the ordinary powers of the archbishops, bishops, &c. &c.," notwithstanding that act. James and his priests were partly correct in these representations, but there was still enough of novelty, both in the constitution of the new court, and in the compass of the jurisdiction assumed by it, to fix upon it the character of usurpation. That it did not become as tyrannical as the old commission court, was the effect of circumstances more than of any other cause. Jefferies was the president, without whose presence no business was to be done. Sancroft's name was in the list; but, by the help of timid excuses, he avoided taking part in its proceedings. Crew, bishop of Durham, and Sprat, bishop of Rochester, found their fitting place in such a connexion. Ralph, i, 929—931. Welwood, 202, 203.

should first be heard in his own defence, and adding that he doubted not the accused would be found, upon examination, to express a willingness to show all reasonable deference to the royal authority.*

Compton, already obnoxious at court, was now himself seized as a personage who might be made to furnish a still more striking example of the penalties that would be found to await on all acts of clerical contumacy. James had determined that the bishop should be suspended from his functions, and made no secret of his intention to remove any member of the commission court who should scruple to support such a decision. Sancroft, the primate, showed himself destitute of the firmness proper to his high station by sending excuses for absence; but notwithstanding this discouraging example, Sunderland, and Crew, bishop of Durham, were the only commissioners who did not express themselves opposed to the suspension. Rochester was the leader on the better side, and even Jefferies appeared as his supporter. But James, who was present, was not to be moved from his course, even in these circumstances; and the pressure of obstinacy being strongest on the weaker side, Rochester at length said, he should make no further opposition to the royal pleasure, but added, that in ceasing to do so, he ceased to uphold the course of justice. The other dissentients followed this questionable example, and thus the suspension of the prelate was allowed to take place as the act of a minority which did not exceed a fourth of the commission. James, nevertheless, spoke of this result as a sort of triumph, and told the French ambassador, with an evident feeling of exultation, that he should see more of such things if they should be found necessary†.

The great dependence of the king, in pursuing this course, was upon the army, whose strength he flattered himself would be sufficient to prevent any outbreak of disaffection during the interval which might be required to raise persons of his own religious creed to responsible offices, and to make converts to that creed among the persons of most consideration in the court, and among the clergy. The army of England at this time varied in its numbers from fifteen to nearly twenty thousand men,—a force which, making allowance for the different extent of the population at the

Attempts to make converts to the catholic faith.

* Burnet, iii. 106, 107. Ralph, i. 919.

† Burnet, iii. 107—112. Mazure, ii. 133—144. Mackintosh, 67—70. Ralph, i. 928, 931, 932. Ralph observes on the conduct of clergy in now “turning patriots,” and especially in making so light of the king’s prohibitions in regard to controversial preaching as to glory in violating them,—that “while the laity only felt the weight of the prerogative, the pulpits rang with the doctrines of implicit obedience, and while oppressive laws were multiplied against protestant dissenters, and executed with the utmost rigour, it was represented as seditious to contend for relief against them, or even to assert the rights of nature or of reason. But now the church was in danger, *pro aris et focis* was the cry, and it was held not only lawful but meritorious to wrestle with the crown, and to interest heaven and earth in the quarrel.” 927, 928. Welwood, 201, 202.

two periods, was four times greater than was accounted necessary to secure the peace of this kingdom in 1792. The soldiers in the camp at Hounslow Heath were reckoned at fifteen thousand. The king had taken the greatest care that the officers in general should consist of persons on whom he could rely. Catholic priests mixed with the men, and invited them to the chapel which they had opened in the camp: and, while persuasion was thus openly employed for the purpose of making converts, the terrors of capital punishment were resorted to, contrary to law, as the most effectual means of preventing desertion. Lord Carlingford, a catholic nobleman of Ireland, was fixed upon to take the command of the English regiments in the service of the prince of Orange, but the prince resisted the appointment. The circumstances under which James had perpetuated the force now at his disposal were such, that his own pleasure or resources constituted the only check upon its increase.

Soon after obtaining the decision of the judges, James raised four catholics—the lords Powys, Arundel, Bellasis, and Dover, to seats in the privy council. The earl of Tyrconnel, a nobleman of the same faith, was named as to become lord lieutenant of Ireland. White, an Irish catholic, was sent ambassador to the Hague, under the title of the marquis D'Albyville, and a resolution was formed to depute a person of the same communion to represent the councils of England in the consultations at Versailles. D'Adda, the secret minister from the pontiff, was authorised to assume his real character, and to open a chapel in his house; and the earl of Castlemain, who had written in defence of the catholic faith, was sent as the ambassador of his Britannic majesty to the court of Rome. The papal envoy was a sagacious diplomatist, and would fain have placed some check on the impetuosities of the English monarch; but his influence was less considerable than that of the queen, and of the jesuit party in league with her. Castlemain displayed so much thoughtless arrogance in the discharge of his mission, as to make himself very unacceptable to the pope, and to provoke the displeasure of the king. The queen, especially, was shocked beyond expression at the impiety of the freedoms said to have been manifested by the ambassador in his intercourse with his Holiness. The breach, however, was made up, and James at length publicly announced the reception of his ambassador into the privy council at Rome. It is scarcely necessary to observe that the whole of these proceedings were a further manifestation of the hostile designs of the king with regard to the established church and the protestant religion.

James boasted of the number of converts among his guards; but the zeal of himself and his agents to make proselytes in the court and elsewhere, was much less successful than might have been expected. Many who seemed to have lost all public principle beside, were found immovable in their attachment to the church. Jefferies was one instance of this sort, and the mercenary libeller L'Estrange was another. The suspicion

of insincerity, which naturally attached to every avowed change of that nature in such circumstances, had its influence even upon the most worthless. James himself failed in an attempt to convert lord Dartmouth; and Colonel Kirke, when exposed to a similar attack, assured his majesty that if he ever changed his religion it would be to turn Mohammedan, in conformity with a promise which he had made to that effect during a conference with the emperor of Morocco some years before. Lord Churchill observed, in the same circumstances, that he had not lived the life of a saint, but that in support of the church of England he thought he could die the death of a martyr. A jesuit missionary was instructed to make a similar attempt on lord Middleton, one of the secretaries of state; but the ecclesiastic was discomfited in the first onset. Dryden, the poet, was one of the very few considerable laymen who were taken in this snare.*

But in no connexion was the artillery of Rome marshalled with so much caution and solicitude as in the case of the princess Anne and lord Rochester. Of the princess Mary, so decided in her religious feeling, and the wife of the prince of Orange, no hope could be entertained. Anne, and her husband prince George, were deemed more accessible to new impressions. Every means accordingly was employed to produce the desired change. But here also the zeal of the monarch failed of success. When James adopted his new creed, the education of the two princesses in the protestant faith was a point on which the most careful provision had been made; and their sincere repugnance to the religion of Rome was strengthened by the conviction, that their prospects in regard to England depended on their adherence to the faith of the English church. The queen's party, including Father Petre, and the zealots who acted under his direction, often spoke of the princess Mary in language which showed that they would gladly have seen means adopted to extinguish the hope of her succession; and a lure of this kind was held out to prince George and his consort.†

All this was done, however, with little apparent effect; and all these unexpected indications of failure, not a single person of station being found to avow himself a convert, filled the queen, and her passionate advisers, with impatience. They called, accordingly, for more decisive measures; and their resentment was particularly directed against Rochester, whom they regarded as the leader of the protestant party in the court, and whose conversion or dismissal they insisted on as indispensable to those designs in favour of the catholic religion which his majesty had so much at heart. James listened to these rash councils, and is said to have resolved, toward the end of October, that the lord treasurer should accompany him to mass, or resign his office. But the relations in which he had long stood to Rochester, and the construction that would be

* Burnet, iii. 121, 122. Ralph, 926—938. Mackintosh, 72—85.

† Ibid. 82.

placed on the act of disgracing the acknowledged leader of so powerful a party, purely on account of his religion, deterred the monarch from acting with the promptitude in this matter to which some of his own feelings, no less than certain of his advisers, strongly disposed him. It was proposed that the minister should attend a formal discussion of the points at issue, to be conducted by four disputants, two from each communion. Of that discussion various reports were made. It is sufficient to know that Rochester, though exceedingly loth to relinquish his office, refused the conditions demanded of him, and was dismissed accordingly. The conference took place on the thirtieth of November; the dismissal on the fifth of January, 1687.*

We have supposed that the views of the king in regard to the catholic religion at the period of his accession, had respect mainly to a repeal of the laws by which the catholic worship had been proscribed, and of those by which its professors were excluded from places of trust. But the views which were only limited by circumstances then, enlarged naturally with altered circumstances afterwards. The conduct of the English parliament in its second session, instead of diverting the monarch from the bolder course to which his successes against Argyle and Monmouth had disposed him, only served to administer to his pride a new motive for perseverance. In Scotland, James ruled by his prerogative in the most absolute manner. The Scottish parliament was called upon to pass an act that should legalise the catholic worship, and another that should relieve all catholics from any measure of civil disability or inconvenience on account of their religion. Scruples were expressed even in that subservient assembly on this subject; the parliament was prorogued in displeasure; and James not only did by his own authority all that he had required the parliament to do, but punished a great number of its members, both of the laity and clergy, by dismissing them from places which they filled. By this time, the monarch had lodged the whole power of the government in that kingdom in the hands of persons prepared to make his will their only law, in matters both of church and state; and a large portion of the resources of that needy country was diverted as a bounty to catholics, and to catholic institutions. In Ireland the power of the crown was no less above all law. Clarendon, the lord lieutenant, son of the chancellor of that name, and brother to lord Rochester, was first subdued to the condition of a mere tool, and then displaced, by the earl of Tyrconnell—a dissolute, boisterous, and crafty personage, who received his appointment early in February in 1687, and before the close of that year, succeeded in placing a majority of catholics in the privy council, on the bench of

* Ralph, i. 933, 934, 941. Mazure, ii. 128.

judges, in the corporations, and in the offices of justice. One protestant only remained among the king's council, and hardly more in the list of sheriffs. In the army a similar change was produced. James could thus look on Scotland as in servile submission at his feet; and on Ireland as brought into a posture to afford him material assistance, if it should become necessary to unsheathe the sword for the enforcement of his authority. He was in consequence disposed to prosecute his plans in England with more openness and determination.

Cartwright, dean of Ripon, preached a sermon, in which, to defend the king against those who charged him with violating his word, he maintained that the promises of kings merely expressed their favourable intention at the time, and were not to be regarded as binding. The reward of this sycophancy was the elevation of the preacher, though living under the reproach of the most infamous vices, to the vacant see of Chester, and that in opposition to the advice of archbishop Sancroft, who interceded earnestly in favour of another person. Parker, an apostate from the body of the non-conformists, had gained some notoriety by the levity and bitterness with which he assailed his former friends, and by the boldness with which he advocated the most intolerant measures of the times. This man, to whom no sober person gave credit for religion of any sort, now affected a favourable opinion of the new form of court piety, and obtained what he sought in being raised to the bishopric of Oxford. Edward Selater, rector of Esher and curate of Putney, declared himself a convert to the catholic religion; and in May, 1686, he received a dispensation from the king, which relieved him from the penalties of no less than sixteen acts of parliament affecting him as a protestant clergyman. This encroachment was so managed as not to attract observation at the time, and might, perhaps, have been repeated without resistance in many directions, if James could have contented himself with so slow and silent a method of proceeding.*

The first clergyman who ventured to resist the dispensing power thus assumed by the crown was Thomas Bennet, master of the richly endowed hospital-school known by the name of the Charter House. James recommended one Andrew Popham as a pensioner on that foundation, declaring him at the same time exempt, as a catholic, from all the laws of that establishment which might affect him as such. It happened that among the governors of the Charter House were some of the most considerable names in the kingdom; and in resisting a second mandate delivered by the chancellor from the king, Bennet found himself supported in his opposition by the subscribed concurrence of the body of the governors, including the archbishop of Canterbury, the bishop of London, Ormond, Danby, Halifax, and Nottingham. This

Attacks on the church and the universities.

Resistance of the dispensing power by the governors of the Charter House.

* Ralph, i. 927. Gutch, Collectanea Curiosa, i. 290. Reresby, 233, 234

unanimity and determination, among persons of such station and influence, had not been expected, and was deemed so formidable that James silently withdrew his recommendation.*

The Charter House was, in some sense, a private foundation only : Proceeding in the universities were conspicuously allied with the whole relation to Ox- ecclesiastical system of the realm, and in no other quarter ford. might successful encroachment be turned to so great advantage. The verdict of the judges in favour of the dispensing power was obtained on the twenty-first of June, 1686, and about two months before, James had issued dispensations in favour of Obadiah Walker, master of University College, Oxford, and two fellows of that foundation, who professed themselves catholics. Licence was also given to publish catholic books from a printing press in that college, and to celebrate the catholic worship within its walls. So early as May 1686. the middle of December a dispensation had been granted to one Massey, exempting him from the act of uniformity, and the various acts passed to secure the protestant church ; and the success of the king in the affair of University College, followed as it was by the opinion of the judges, so emboldened him, that he resolved to appoint this person to the vacant deanery of Christ Church, which would place him at the head of the largest college in that university, with the rank also of a dignitary in the English church. Such too was the passiveness of Aldrich, the sub-dean, that Massey was installed, and his dispensation openly accepted. Nearly two years afterwards, the catholic dean of Christ Church presided at a meeting in Oxford to elect a bishop of that city.†

In January, 1687, an attempt was made on Exeter college in the same university, but in another form. There were several fellowships in that college founded by the family of Petre, to which Father Petre, the jesuit in so much favour with the king, was related ; but objections had been made to the right of the Petre family to appoint to those foundations, and during the last seventy years all such appointments had been made by the authorities of the college without any interruption from the family of the founder. But the case was now brought before the ecclesiastical commission court, the intention being to invest the catholic descendants of sir William Petre with the power of nominating to the fellowships which he had founded. But the dispute was found to turn upon the nature of the contract between sir William and the college, and both Jefferies and Herbert agreed in describing it as matter for a civil suit, and as not coming within the province of the ecclesiastical commissioners. To prosecute it, however, in that form, would have been to give it a dangerous degree of publicity, and with much uncertainty as to the result. The attempt was in consequence allowed to terminate at this point.‡

* Ralph, i. 939, 940.

† Gutch, i. 287 ; ii. 294. Wood's Athenæ Oxon. iv. 438.

‡ Mackintosh, 136, 137. Published from the Records of Exeter College.

Early in February, Alban Francis, a Benedictine monk, who had for some time employed himself in endeavouring to make converts among the students at Cambridge, presented a letter from the king to the authorities of that university, which required them to admit the bearer to the degree of master of arts without taking the usual oaths. It was obvious that if the dispensing power was to be thus recognised by the university at large, in one of its most formal acts, its freedom, and its protestant character, were at an end. Peachell the vice-chancellor, hesitated, but, encouraged by the general feeling, he insisted on the taking of the usual oaths as the condition of obtaining the degree. He was summoned before the ecclesiastical commissioners; and the university deputed some of the most distinguished of their body to accompany him, among whom stood sir Isaac Newton, then professor of mathematics at Cambridge, exposed, along with his colleagues, to the scorn and insolence natural to such a judge as the lord chancellor Jefferies, and to men capable of acting as his coadjutors. The case was argued several times, but in the end Peachell was deprived of his office as vice-chancellor.*

Resistance at
Cambridge.

But the case of Magdalen college, Oxford, was that which produced the most general and the strongest impression, partly from some of its circumstances, and partly from the fact that the jealousy of the public mind had become by this time more thoroughly awakened. The president of Magdalen college, the most richly endowed community in Europe, died in March, 1687; and Smith, one of the fellows, on soliciting the interest of Parker, now bishop of Oxford, with the king in favour of his election to the vacancy, was informed by that prelate that "the king expected the person to be recommended should be favourable to his religion." Smith soon learnt that the professions demanded in this shape were such as he was not at liberty to make, and he did not scruple to give out that he had, on that account, relinquished the hope which he for a time indulged. On the last day of March, the fellows came to a resolution that they would proceed to the election of a president on the thirteenth of April. On the fifth of April, James issued a letter which required them to make choice of Anthony Farmer, "any statute or custom to the contrary notwithstanding." Farmer was a recent convert to the catholic faith, he was not a member of the college, and was addicted to a coarse indulgence in the lowest vices. The fellows addressed a petition to the king, in which they stated that the person nominated by his majesty was legally disqualified for the appointment, and prayed that they might be left to the freedom of choosing their own president, or that some other person might be named to whom the same objections might not be made. On the fifteenth, the last day to which the election

Case of Mag-
dalen College,
Oxford.

* Ibid. 138. Mazure, ii, 230—232. Ralph, i. 958, 959.

could be deferred, the fellows were informed that "the king expected to be obeyed." The reception of this mandate was followed by a spirited discussion, in which the younger members expressed themselves in language more proper to popular parliamentary leaders, than to learned persons who so short a time before had proclaimed their adherence to the extreme doctrine of passive obedience. In this spirit they set aside the mandatory letter of the king, and then proceeded to chose Mr. Hough as their president. In the following June they were summoned before the ecclesiastical commission; on which occasion, Fairfax, one of their number, observed that he wished to know the authority on which the court rested its pretensions to be a judge in such cases, which led Jefferies to exclaim, "What authority have you to be so impudent in court? This man ought to be kept in a dark room. Why do you suffer him without a guardian?" The election made by the fellows was of course declared void. The vice-president also, and two of the fellows, as leaders in this contempt of his majesty's commands, were suspended.

But the proofs of gross vice which by this time were brought against Farmer, precluded any further mention of him, and the person now fixed upon was Parker himself, a man who might be preferred to the individual whom he superseded, only as the vices of a thoroughly unprincipled mind may be accounted less offensive than those of a vulgar sensualist. The fellows showed themselves as much opposed to this nomination as to the former. In September James came himself to Oxford, where he was received with great outward expressions of loyalty. He summoned the fellows of Magdalen to his presence, and threatened them with his utmost displeasure if they longer hesitated to fulfil his instructions. But neither this threat, nor the subsequent insinuations as to what it might be in the power of the king to do by a process of *quo warranto*, or by the exercise of the ecclesiastical power of the crown in other ways, produced any impression favourable to the court policy. James considered that he had proceeded much too far in this business to think of a retreat. He accordingly issued a commission to Cartwright, bishop of Chester, and two of the judges, Wright and Jenner, empowering them, in his character as supreme visitor of cathedrals and colleges, to examine all the statutes and usages of the college, and to make such changes in them as should appear expedient. The commissioners made their appearance at Magdalen on the twentieth of October. Hough displayed the mixture of firmness and moderation which became the occasion. He denied the authority of the visitation, except so far as it might be consistent with the laws of the land, and the statutes of the college. "There neither is," he declared, "nor can be another president so long as I live and obey the statutes." When, on the second day of their sitting, the commissioners pronounced him no longer president, and erased his name from the college book, he entered the hall, and "protested against all they had done in prejudice of his right, as illegal,

unjust, and null." The dignity and courage with which the president uttered these words so affected the people and the young gownsmen who were present, that they raised a loud shout in the court. The commissioners not only rebuked this very unwelcome expression of feeling, but holding Hough responsible for the disorder, they bound him in the sum of 1000*l.* to appear and answer it in the court of king's bench.

By such means Parker became president of Magdalen college; a majority of the fellows were prevailed upon to promise submission, "as far as was lawful and agreeable to the statutes of the college." But James insisted on a written acknowledgment of their offence, and of their sorrow on account of it, which they not only refused, but declared "they could not acknowledge themselves to have done anything amiss." The consequence of this declaration was their immediate expulsion from their fellowships, which was followed by a decree of the ecclesiastical commissioners, incapacitating them for holding any benefice or preferment in the church. James carried his resentment so far as to declare that he should regard all persons as in combination against him who should receive any of the expelled fellows into their houses. But the known feeling of the king did not prevent the manifestation of great sympathy in behalf of the sufferers: large contributions were made for their benefit, and persons of all ranks seemed to be aware that in these proceedings not only were the immunities of the established church broken in upon, but that everything sacred among the means of guarding private property and private right had been violated. It was upon the clergy, too, a class of persons who above all others needed some influence of this kind to moderate their extravagant political notions, that these proceedings were sure to produce the deepest impression; and who would thus be disposed to employ the great influence inseparable at all times from their office, but especially in that age, in diffusing a spirit of dissatisfaction and complaint.*

While these matters were in progress, the conferences among the catholic party at court, with regard to the general aspect of affairs, were frequent, the more moderate often expressing their apprehension that the impetuosity of the king would ruin everything, the more sanguine applauding the boldness of his conduct as the only line of policy that could be expected to succeed. James, at the same time, employed himself sedulously in endeavouring to bring all persons who came within his influence either to adopt his religious opinions, or at least to concur in the measures pursued by him in their favour. As the place usually chosen to ascertain the effect of such persuasions was the royal closet, these attempts were commonly known under the name of "closetings." On such occasions the king would observe that the test-act had passed in the height of faction, and was clearly intended, not so much to disable catholics as to exclude

Catholic parties in the court—"Closetings."

* Howell's State Trials, xii. 1—73. Wilmot's Life of Hough. Mazure, ii. 234—237. Mackintosh, 139—145. Ralph, i. 960, 961, 964, 971.

himself from the throne; that it was to follow the example of the most barbarous times to exclude free-born subjects from the service of their sovereign; and that in expecting his people to acquiesce in the exercise of his prerogative for the prevention of such an evil, he was not assuredly making any unreasonable demand on their principle of loyalty. Every man on whom this reasoning was not found to produce the desired result was sure to fail if a candidate for any trust, and sure to be displaced if already in office. Similar means were employed by the agents of the king to discover the temper of the members of parliament in different parts of the kingdom, the result of which was to show that there was much more to fear than to hope from a meeting of the commons. Parliament was accordingly prorogued from time to time, and with little prospect of its ever being assembled under quiet auspices so long as the monarch should persist in his present courses.*

When James ascended the throne, Louis had been for some time employed in endeavours to bring his protestant subjects to an abandonment of the reformed faith. The edict of Nantes, issued in 1598 by Henry IV., had ceded to the protestants of France the possession of a number of fortified towns in that kingdom; and not only freedom of worship in those places, but so many religious privileges, that persons of that religion were eligible to all places of trust, and dissent from the established church was exempt from penalty, and from civil inconvenience of any kind. This memorable edict was declared to be perpetual and irrevocable. In 1629 cardinal Richelieu succeeded in reducing the French protestants to a state of complete dependence on the French crown, by taking from them all their places of strength. From that time, the families of the nobility who had been distinguished by their protestantism are seen declining gradually toward the religion of the court, and in France the protestant faith becomes almost confined to a remnant of the middle class. Until the peace of Nimeguen, the condition of these people, who were known to be the most ingenious and industrious subjects of the monarchy, was on the whole nearly such as the provisions of the edict of Nantes were intended to secure. But after that treaty, which placed Louis in the zenith of his power, his majesty became troubled in conscience on comparing the licence which he had assumed in his amours, with the restrictions imposed by his religious faith, and he at length resolved, during the ascendancy of Madame de Maintenon, to attempt some atonement for his delinquencies of that nature by adopting measures to secure the conversion of the heretical portion of his subjects to the faith of the only true church. His measures, as first contemplated, were rather persuasive than violent, but both success and failure served to generate impatience, and in less than seven years gave to his proceedings a character of the most relentless persecution. The edict was not formally revoked until the eighteenth of October, 1685, but all its more material provisions had been

* Reresby, 238—241.

artfully evaded or openly violated, under a variety of pretexts, long before. Protestants were excluded from all offices in connexion with the government, and from all professions that might give them credit in the eyes of the people, and influence over them. In many places churches were razed to the ground, on the plea that they had been built contrary to the edict. But the wrongs inflicted on the myriads who were thus denied the exercise of their worship were light compared with those which followed. Dragoons were quartered upon the protestants in the different towns and provinces, whose licence and barbarity filled the country with so much horror, that multitudes affected conversion as the only means of escape from outrage; and while vexation and terror were thus freely employed on the one hand, every allurements was held out to the timid and unprincipled on the other. In the preamble to the repeal of the edict it was stated that the better and greater part of the protestants had become catholics, and that the edict itself had thus ceased to be of value. The end was, that the protestant clergy were exiled, their return to their country being a capital offence. All protestant seminaries were closed; the children of protestants, from six to sixteen, were taken from their parents to be educated as catholics; and attendance in a protestant church for religious worship was punishable with death. Protestants were liable to be called upon in their dying moments to partake of the sacraments from the hands of a catholic priest, and such as refused were not only denied christian burial, but their bodies were drawn on hurdles along the public roads, and cast into the common sewers, or left to be devoured by wolves.*

By these proceedings Louis inflicted a blow on the commerce of France, the effects of which are felt to this day. More than half a million of the most industrious and useful of his subjects were thus driven into exile, and took with them not only large sums of money, but those branches of art and manufactures which were in future to enrich other countries at the cost of their own. The accounts diffused by the refugees with respect to the injustice and cruelty of their oppressors, served to strengthen the resentment of protestants throughout Europe against the adherents of the catholic faith. More than fifty thousand Huguenots took refuge in this country; and when men saw such effects resulting apparently from the nature of the catholic faith in the instance of such a professor of it as Louis the Fourteenth, they could hardly fail to apprehend the most pernicious consequences from its influence on the inferior capacity and less governable temper of their own sovereign. James, indeed, not only professed to deplore the persecution, but extended his protection, and some degree of favour, to the exiles. There were many things, however, in the conduct of the king which served to counteract the impression that might otherwise have been made by this dis-

Effect of the
persecutions
in France on
the feelings of
protestants in
England.

* Mazure, ii. 44—55. Mackintosh, 85—93.

play of justice and humanity. Claude, the celebrated Huguenot minister, published an account of the sufferings of his brethren, which James ordered to be publicly burnt, and the translator and the printer were imprisoned and ruined. The effect of such measures was to satisfy the more zealous protestants that the king's pretensions to a love of toleration were not more inconsistent with his creed than with his disposition, and would never have been heard of had not the relative strength of protestants and catholics in England been just the reverse of that which existed in France.*

It was while sentiments of this nature were becoming daily more prevalent and powerful among the people, that James ventured upon a new expedient in publishing his declaration for liberty of conscience. liberty of conscience. Until recently the nonconformists had been silently surrendered as a peace-offering to the church, but the king now spoke of the condition of that class of persons as one of great injustice and hardship, and the circumstances of the sufferers were on a sudden so much changed, that they found their alliance earnestly sought by the court on the one hand, and by the most zealous supporters of the established church on the other. The substance of the king's declaration was published in the Court Gazette, in the form of resolutions in council, on the 21st of March; the declaration itself was issued on the fourth of April, and both had been preceded by a proclamation to the same effect in

Feb. 12. Scotland, which eighteen of the Scottish nobility, and all the principal officers of state in that kingdom, pledged themselves to support. The preamble to these documents set forth the most weighty arguments in favour of religious toleration with much ability, and nothing was wanting to make the publication of them a just occasion of congratulation and delight, but that there should have been some ground to regard the appeal made to such enlightened sentiments as an act of sincerity, and that the measure founded upon them should have appeared with the sanction of the legislature, and not as the result of an assumption of the power of legislation on the part of the crown. The crown is the fountain both of honour and of mercy, but while the ordinary exercises of the dispensing power had always been supposed to rest on the known circumstances of each case, and did not operate in favour of a supposed offender until after process and conviction, when it simply saved him from the penalty incurred, the power now exercised suspended the laws themselves, affecting as they did large classes of the community, and thus

* Mackintosh, 85—93. "The popish party behaved with great insolence, which was the more remarked, as the king of France was now in the height of persecuting his protestant subjects, who many of them fled as they could, poor and naked; being stripped of all they had. This so great and cruel an instance of the spirit that, for the most part, possesses those who hold that delusive persuasion, was now the talk of all thinking people, who began to be of opinion, that everything just and lawful ought to be done to obviate the growth, and abate the present pride of the papists in our dominions." Reresby, 222. Evelyn, iii. 208. Calamy's Historical Account, i. 122—125.

not only precluded the punishment, but removed all ground for the previous vexation of a suit. It was, in short, the whole legislative power of the constitution accroached unto itself by the crown.*

The language of the homily composed by Cranmer "on civil obedience," which declares that subjects are "in no case to resist" their rulers, was adopted, as we have seen, in its utmost latitude, by the English universities at this time. James was warned by some of the more sagacious of his advisers against placing any large measure of reliance on the steadfastness of the persons who made these professions, but was nevertheless so little acquainted with that human nature which he flattered himself he understood so well, as to be capable of expecting that the pride of consistency in that quarter would prove strong enough to curb every passion that might be affected by the manifest hazard of wealth, power, and station—of every thing, in fact, most valued in relation both to this world and the next. The monarch, accordingly, expressed himself as much surprised and displeased by the opposition which he had already experienced from the hands of the friends of the church of England, particularly in Oxford; and became incensed in a very high degree on learning the extent of the dissatisfaction evinced by the same parties with regard to the declaration. His common topic now, was the persecuting temper of the Anglican church, and every appliance was used, personally, and by means of active agents in different parts of the country, to prevail on the nonconformists, and on public bodies, to present addresses expressing approval of what his majesty had done to secure liberty of conscience to his people.†

It has been justly observed that "the nonconformists were acted upon by powerful inducements and dissuaves. The preservation of civil liberty, the interest of the protestant religion, the secure enjoyment of freedom in their own worship, were irresistible reasons against compliance. Gratitude for present relief, remembrance of recent wrongs, and a strong sense of the obligation to prefer the exercise of religion to every other consideration, were very strong temptations to a different conduct. Many of them owed their lives to the king, and the lives of others were still in his hands. The remembrance of Jefferies's campaign was so fresh as perhaps still rather to produce fear, than the indignation and distrust which appear in a more advanced stage of recovery from the wounds inflicted by tyranny. The private relief granted to some of their ministers by the court on former occasions afforded a facility for exercising adverse influence through those persons, the more dangerous because it might be partly concealed from themselves under the disguise of gratitude. The result of the action of these conflicting motives seems to have been, that the far greater part of all denominations of dissenters availed themselves of the declaration so far as

* Kennet, iii. 509. Ralph, i. 945.

† Burnet, iii. 186—191,

to resume their public worship;* that the most distinguished of their clergy, and the majority of the presbyterians, resisted the solicitations of the court to sanction the dispensing power by addresses of thanks for this exertion of it; that all the quakers, the greater part of the baptists, and perhaps also of the independents, did not scruple to give this perilous token of their misguided gratitude, though many of them confined themselves to thanks for toleration, and solemn assurances that they would not abuse it. About one hundred and eighty of these addresses were presented in ten months, of which there were only seventy-seven exclusively and avowedly from nonconformists.† The bishops of Durham and Chester, with their chapters, and the bishops of Lincoln, Lichfield, and St. Davids, with the clergy of their dioceses, were amongst the addressers; and two addresses of a most servile description appeared in the Gazette, purporting to be from two of the Inns of Court, which further contributed to mislead the unwary, though it is now known that they were fraudulently produced.

One effect of publishing this declaration was a dissolution of the parliament which had been already so frequently prorogued. More decisive measures of the king. Every expedient had been employed to win over a majority of the commons to the measures of the king, but without success. The sentiments generally expressed concerning the declaration, and in many instances by persons on whose pliancy James had placed the greatest dependence, served to widen the breach, and to precipitate affairs towards a more open rupture. One step which strongly indicated this course of events, was the public reception of the Italian prelate, D'Adda, as nuncio from the pope. The ceremony, which took place at Windsor, was an overt act of high treason in all who were parties to it. The duke of Somerset was chosen by the king to introduce the distinguished ecclesiastic in this new capacity; but his grace begged to decline so dangerous an honour, and his disobedience was immediately punished by his removal from office as lord of the bedchamber, and as a lord-lieutenant. He was also required to surrender his commission as commander of a regiment of horse. The monarch next looked to his

* According to Bates's *Life of Philip Henry*, in Wordsworth's *Ecclesiastical Biography*, vi. 290. "They rejoiced with trembling." Henry refused to give in a return of the money levied on him in his sufferings, having, as he said, "long since from his heart forgiven all the agents in that time." Bunyan clearly saw through the designs of the court, though he accepted the indulgence. Joimey's *Life of Bunyan*, p. 297.

† The addresses from bishops and their clergy were seven; those from corporations and grand juries seventy-five; those from inhabitants, &c., fourteen; two from catholics, and two from the Middle and Inner Temple. If six addresses from presbyterians and quakers in Scotland, Ireland, and New England be deducted, as it seems that they ought to be, the proportion of dissenting addresses was certainly less than one-half. Some of them we know were the produce of a sort of personal canvass, when the king made his progress in autumn, 1687, "to court the compliments of the people;" and one of them, in which Mr. Philip Henry joined, was not to offer lives and fortunes to him, but to thank him for the liberty, and promise to demean themselves quietly in the use of it. Wordsworth, vi. 292. Address of the Dissenters of Nantwich, Wem, Whitchurch. *London Gazette*, 29th August, 1687. Mackintosh, 174—176. Burnet, iii. 189, 190.

nephew the duke of Grafton, who proved less scrupulous, and the ceremony was accordingly performed with studied pomp and publicity. The bishops of Durham and Chester were present; and it was observed, that while the nuncio was introduced by a duke, the ambassadors from the other powers were introduced by earls.*

July 3.

James, while he despaired of bringing even the submissive house of commons assembled on his accession to concur with his measures, was obliged to admit that all hope of carrying on the government without the assistance of parliament must be vain, and his great dependence accordingly was on his power to influence the new elections, when the perilous experiment of again meeting the representatives of the people should be made. Since the first proceedings to deprive the corporate towns of their charters, more than two hundred new charters had been issued to supply the place of the old, and of the five hundred and five members constituting the house of commons, two hundred and forty-four were returned almost entirely by corporators whom those charters had been framed to secure in fixed subserviency to the royal pleasure. Thus the house of commons, which during the discussions on the Exclusion Bill displayed so much independence as to become perhaps justly chargeable with a degree of turbulence, was succeeded, in the short space of four years, by another in which nearly half the members were virtually nominated by the crown. It had been provided also by a clause in the new charters, that they should be subject to modification at any time according to the pleasure of the sovereign; and that the most advantageous use might be made of this provision, certain commissioners were appointed as regulators of corporations, who now went from place to place, appointing freemen, and introducing various changes, at their discretion. On authority of this nature, Jefferies deprived nineteen hundred freemen of their franchise in the metropolis, and still found himself reproached by the king as bringing less vigour to such proceedings than the exigency demanded. Letters were addressed, without any attempt at concealment, to corporators and lieutenants of counties, containing mention of more than a hundred names, as those of persons proper to be returned to the new parliament. Many lieutenants declined answering questions put to them concerning the political opinions of themselves and others, and their refusal furnished a pretext for depriving sixteen of the most considerable noblemen in the kingdom of that trust. Twelve of the vacant lieutenancies were bestowed on catholics. One third of the sheriffs were of the same persuasion. Four governors of fortresses, two colonels of infantry, and five of cavalry were also removed.†

* Burnet, iii. 188, 189. Ed. Oxford, 1833, and notes. Ralph, i. 957.

† Burnet, iii. 190—194. Mackintosh, 185—190. Ralph, i. 965. Reresby, 251, 252.

Seizure of
charters: pun-
ishment of the
noncompliant.

But even these extraordinary proceedings failed to produce the result expected. It was exceedingly difficult to find candidates, possessing any sort of reputation, who were prepared to pledge themselves to the court policy. The utmost that could be in general extorted from them was, that they would reserve themselves open to conviction, but must be left to vote according to their consciences; and however passive the condition to which many of the boroughs were reduced, the reports made by the agents of the government concerning the state of feeling in the counties was, for the most part, discouraging. James betrayed his sense of failure at this point of his proceedings, by declaring through the Gazette his intention to review the lists of deputy lieutenants and justices of the peace, and to restrict those offices to persons who might be expected to assist him in his endeavours to base liberty of conscience upon the law of the land. Beset with these difficulties, Sunderland, William Penn, and the more cautious of the king's advisers generally, began to meditate on various plans of compromise; but the principal objection to all these moderated and more conciliating proposals arose from distrust in the king's intention, the people being now in a condition to regard every concession which they might have been otherwise disposed to make to him, in the light of an advantage gained by an enemy, whom it behoved them to resist, as well from a feeling of pride, as from a concern for their own safety. All negotiation, accordingly, came to be looked upon as an expedient of their adversaries to circumvent, disunite, and dishearten them. It was ascertained that, on the question of repealing the penal laws concerning religion, there existed in the lords a majority of more than fifty against the court. This fact might seem, on the first view of it, sufficient of itself to render the designs of the king perfectly hopeless; but it was deemed probable that some who were accounted doubtful might be disposed, as the crisis approached, to side with the government, and that such as were not to be brought over by other means might be subdued by a large creation of peers. James is said to have declared, that he would raise all Feversham's troopers to the peerage rather than fail, if matters came to that issue. By the knowledge of this purpose, the nobility, who were not only the great landholders, but the great purchasers also in towns, and as yet feebly opposed by any monied interest, were taught to regard the popular jealousy of the court as the means by which it became them to stave off this meditated attack, and they employed their influence to strengthen the resistance that might be presented to it, in the first instance, by a new house of commons.*

* Mackintosh, 191—201. The Catholics at this time are estimated at about 30,000, the nonconformists at about 250,000, the population altogether being little more than four millions.

In the midst of this general conflict of hope and fear, the rumour became prevalent that the queen, whose last child-birth had occurred five years since, was about again to become a mother. The catholics boasted of the occurrence as an answer to their prayers; the protestants did not scruple to speak of it as a new fraud which the jesuits were about to practice on the nation. This suspicion was no doubt without any real foundation, but circumstances were not wanting to account for its origin, and to justify the conclusion that it was in most instances honestly entertained. Of eleven children born to the king by his two wives, the princess of Orange and the princess Anne alone survived, and while the former of these was childless, the offspring of the latter had all died young. This absence of an heir who might be expected to follow out the policy of the reigning prince, was regarded by the protestants as an indication of the favour of Providence toward them; by the catholics with precisely opposite sentiments. It was natural, therefore, that the sudden spreading of this piece of intelligence should affect the two parties in a widely different manner.*

It was an event which, as holding out the prospect of a longer continuance to his policy, might have suggested to the king that he could now afford to pursue his plans with less impatience. But in his view it was a signal intimation of the approbation of Providence with regard to the course which he had chosen, and it operated accordingly as a new motive to boldness and activity. Father Petre, his reputed confessor, was now sworn of the privy council. Monks in their ecclesiastical habits made their appearance in every street of the capital, and among the persons admitted to the royal presence. James boasted that London had resumed the appearance of a catholic city. In his correspondence, also, relating to what it might become him to attempt in favour of his religion, he began to express himself in language which shows that something much more considerable than a repeal of the penal laws was now intended. Louis, the pontiff, and all the better informed and sagacious men of these kingdoms, regarded the aim of the king as extending, beyond doubt, to the substitution of the catholic religion in the place of the protestant, though the methods adopted to arrive at that object were for the most part circuitous, prompted by the circumstances of the moment, and such as could lead to the end proposed only by slow degrees. As the veil thus fell off, and the design of the king to "re-establish the true religion" became manifest, and as the zeal with which this "great work" was prosecuted increased, the alarm of the English people became also more apparent, and with it their animosity against the religion of the court, and their disposition to resist the slightest approach towards any sort of change. The two parties had thus arrived at that point where compromise is at an

* Ralph, i. 980, 981.

end, and all the mortification of defeat, on the one side or the other, is unavoidable.*

But deep and general as was the present feeling of dissatisfaction, it did not betray itself in any tendency towards tumult. It was a feeling common to the clergy, the gentry, and the nobility, as well as to the people at large; and the mass appear to have tacitly relied on their superiors, as prepared to move at the right time, and in the best manner. It must have been obvious that the present unsettled course of affairs could not be expected to end in any way favourable to the church of England, or to the constitution, except from the concurrent influence of the friends of the prerogative, and of the friends of popular principles; and the latter were sufficiently aware that the disposition of the former to take the better side was of so tremulous a description, that it would probably be startled from its course by the slightest appearance of such scenes as had marked the early history of the Long Parliament.

In the mean while the language of the court betrayed the unsteadiness of its councils. The object contemplated was always kept in view, but the means of securing it could not be agreed upon. At one time the king was to accomplish his purposes through the medium of a parliament, at another by the exercise of his prerogative. At length a document was made public, purporting to be a bill prepared to be laid before parliament for the purpose of securing a perfect freedom of religious worship, and of putting an end to all religious tests as a qualification for civil offices. This "act," as it was called, asserted the right of the king to exercise his dispensing power as he had done, but claimed, on the ground of the great principles of general liberty, that what had been done by the authority of the crown should be made secure by the sanction of the legislature. The tone of enlightened freedom which pervaded this paper was much above the average apprehension and feeling on such topics; and the manifest insincerity with which it had been assumed deprived it of all weight on the public mind, except as means of strengthening the existing jealousy and indignation.† In the popular conception, the catholic religion and intolerance were iden-

* "The king my master," said Sunderland to Barillon, "has no object at heart so much as the establishment of the catholic religion, and there can be no other so important to him on the mere principles of good sense and right reason; for he must always be exposed to the popular prejudices against that religion until it be fully established:—a project which suits the interest only of the king of France, which can succeed only by his means, and which will be openly resisted or secretly traversed by other powers." (Mackintosh, 358.) Such language must be understood as embracing much more than a repeal of the test-laws, and the mere toleration of the catholic worship. The prince of Orange observed to Abbeville, James's ambassador at the Hague, that the king his master did not act wisely in slighting "the church of England, which was the main body of the nation." The ambassador, who had taken his impression from the jesuits at court, answered, that the body called the church of England would have no existence two years hence. Burnet, iii. 218. There are passages in Mazure which show that the judgment of Abbeville was in substance that of the jesuit party abroad as well as at home, and of the celebrated Bossuet.

† Kennet, iii. 508, 509.

tical; and the conduct of James, while commissioner of Scotland, had done more than any other occurrence in our recent history to confirm that impression. It is now also well known, that the king of England, while discoursing to his subjects in this manner concerning the justice and expediency of allowing men a full liberty of conscience in matters of religion, was secretly applauding the king of France in prosecuting his barbarous measures against the protestants of that kingdom. *

On the twenty-seventh of April, 1688, James re-published the declaration of indulgence which he had issued the year before, Clergy required to read it from the adding to it the assurance that a parliament should be assembled "at farthest" in the following November. pulpit. Some days afterwards, an order in council required the clergy, both in the metropolis and through the kingdom, to read the declaration from the pulpit at the usual time of service.† This measure, so important in its consequences, appears to have been precipitated by the influence of Father Petre, and by the less considerate party with whom he acted. James had assigned as a reason of again issuing the declaration, that his purpose as expressed in it had been greatly confirmed by the many addresses which had been presented to him, showing that its purport was generally approved by his subjects. The clergy, moreover, had not only indulged since the king's accession in the strongest expressions of unlimited obedience to the civil power, but, in conformity with the usage of the times of Charles I., had read to their congregations the lengthened paper made public by the late king after dismissing the Oxford parliament, and other documents of the same partial and inflammatory character still more recently. It is highly probable, accordingly, that this order was issued without the slightest expectation that any material opposition would be made to it, though when its consequences began to assume so formidable a shape, Sunderland and others were concerned to have it understood that they had not been parties to it. The Rubric, however, which declared that nothing should be published in the church, except as prescribed in the Book of Common Prayer, "or enjoined by the king," might have been pleaded by the privy council as a plausible, if not a sufficient authority for what they had done.

The order was published in the Gazette, and devolved upon the bishops the responsibility of sending the declaration to the Petition of the clergy of their respective dioceses to be read in their Bishops. churches. This novel method of proceeding was regarded as a studied exposure of the subjection of the prelates, not only to the pleasure of the king, but to the secret influence of those members of the catholic priesthood who were always about his person. Sixteen days only were allowed to intervene between the publication of the declaration and the obedience demanded; and after fourteen days of that interval had been variously occu-

* Barillon, May, 1687, 1 Fox, MSS. 183, in Mackintosh 131.

† Kennet, iii. 509.

pied in partial or general conferences among the bishops and the clergy of London, six of the prelates obtained audience of the king, and presented to him a paper headed "The petition of the Archbishop of Canterbury, with divers suffragans bishops of his province, in behalf of themselves and several of their absent brethren, and of the clergy of their respective dioceses."* James received their lordships with much apparent cordiality, supposing the extent of their petition to be, that he would command the chancellors and archdeacons, according to ancient practice, to send the declaration to the clergy, and not require that service from themselves. The king then opened the petition, and observed that he recognised in it the handwriting of archbishop Sancroft. In it the bishops stated that "their averseness to read the king's declaration arose neither from want of the duty and obedience which the church of England had always practised, nor from want of tenderness to dissenters, to whom they were willing to come to such a temper as might be thought fit in parliament and convocation, but because it is founded in a dispensing power declared illegal in parliament; and that they could not in prudence or conscience make themselves so far parties to it as the publication of it in the church at the time of divine service must amount to in common and reasonable construction." The petitioners concluded accordingly with "humbly and earnestly beseeching his majesty not to insist on their distributing and reading the said declaration."

As the king read these sentences his countenance changed: having folded up the paper, he glanced angrily at the prelates, and said, "This is a great surprise to me. These are strange words. I did not expect this from you; this is a standard of rebellion." The bishops deprecated his majesty's displeasure in the most earnest terms, assuring him that in all matters not affecting their conscience toward God, their loyalty would be found unimpeachable.†

But this exception was of large import; it had been the great plea of

* During the conferences between the bishops and the clergy concerning the propriety of their combining in this refusal of obedience to the royal mandate, "some of the chief ministers and laymen among the nonconformists earnestly besought the clergy not to judge them by a handful of their number who had been gained by the court; but to be assured that, instead of being alienated from the church, they would be drawn closer to her, by her making a stand for religion and liberty." (Johnstone, 18th May.) A clergyman present read a note of these generous declarations, which he was authorised by the nonconformists to exhibit to the meeting. The independent portion of the clergy made up in zeal and activity for their inferiority in numbers. Fatal concessions, however, seemed to be at hand, when the spirit of an individual, manifested at a critical moment, contributed to rescue his order from disgrace and his country from slavery. This person was Dr. Edward Fowler, then incumbent of a parish in London "I must," he said, "be plain. There has been argument enough. More will only heat us. Let every man now say Yea or Nay. I shall be sorry to give occasion to a schism, but I cannot in conscience read the declaration, for that reading would be an exhortation to my people to obey commands which I deem unlawful." (Mackintosh, 216.) From this point the debate took the better turn. Fowler had been accused three years before of that unclerical delinquency—whiggism. He afterwards became bishop of Gloucester.

† Kennet, iii. 510, 511.

the puritans and nonconformists in their contentions with the ruling clergy and the civil power, and though little respected, for the most part, when so employed, was as valid in that connexion as in the present. James had given sufficient attention to the bearing of such exceptions to perceive at once that the ground taken by the prelates was the most hostile to his plans that they could possibly have chosen, and he concluded his angry and incoherent expressions by saying, "If I think fit to alter my mind I will send to you. God has given me this dispensing power, and I will maintain it. I tell you there are seven thousand men, and of the church of England too, that have not bowed the knee to Baal."

The episcopal body at this time consisted of twenty-two persons, three-fourths of whom approved in whole or in part of the petition presented to the king. The chief persons in the minority were Sprat, Cartwright, Crew, and Watson. Sprat had written a history of the Rye House Plot, and owed his distinction to the readiness with which he had prostituted his talents to the service of the court; Cartwright and Crew were men governed by servility and selfishness; and Watson disgraced his office by so many vices that he was at length deprived of his see. The bishops presented themselves to the king with their petition on the eighteenth of May, late in the evening; that night the petition was printed, and the next morning it was in considerable circulation. The prelates were no parties to this proceeding, nor do we know to whom it should be attributed. But this was on the Saturday morning, and on the following day, according to the order in council, the declaration should be read in all the churches of London. Among the London clergy the names of three only are preserved as those of persons who were obedient to the command of the king in this particular; no account exhibits more than seven, out of nearly a hundred, as being thus compliant. On that day Sprat chose to officiate as dean in Westminster Abbey, but when the moment came for reading the declaration, his trepidation was such that he could scarcely hold the document in his hands; the people rose from their seats with loud murmuring, so that nothing could be heard, and before the reading was concluded, the only persons remaining in the church were the Westminster scholars, the choristers, and some of the prebendaries. Over the kingdom the same spirit prevailed, so much so that among ten thousand clergymen, not more it appears than two hundred could be induced to read the obnoxious proclamation. D'Adda, the papal nuncio, declared accordingly—"the whole church espouses the cause of the bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the nonconformists are vanished." Baxter applauded the conduct of the bishops from the pulpit, and the dissenters in general followed his example.*

The clergy in general refuse to read the declaration.

* Phillip's State Trials, ii. 263—265. Mackintosh, 247—253. Burnet, iii. 223—229. Kennet, iii. 511. Ralph, i. 533—536.

The difficulties with which the king had thus surrounded himself were in every view almost equally perilous. To proceed was to augment the spirit of resistance everywhere manifested, and to a degree that might be fatal to his sovereignty; while to retreat, would be to make a confession of weakness, and to invite aggression, the limits of which no mind could foresee. The method of proceeding agreed upon, after much discussion and wavering, was meant to be a middle course, but was in fact open to as much objection as were the extremes which it was framed to avoid.

The archbishop of Canterbury was summoned to appear before the king in council, to answer charges of misdemeanour. At the appointed time the primate, and the six bishops who had signed the petition, Lloyd of St. Asaph, Turner of Ely, Lake of Chichester, Kenn of Bath and Wells, White of Peterborough, and Trelawney of Bristol, all made their appearance in the council chamber. Jefferies then took a paper from the table, and inquired of the archbishop whether that was the petition which he had signed, and which the bishops had presented. Sancroft, addressing himself to the king, said, that since it was his unhappiness to appear before his majesty as a criminal, he hoped that he should not be obliged to answer questions which might tend to the accusing of himself. James censured this hesitation as chicanery, and, still pressed, the bishops replied that if his majesty would lay his command upon them, they would answer, trusting to his royal justice and generosity that they should not suffer for their obedience, as they must, if the answer should be brought in evidence against them. The monarch refused to enjoin the acknowledgment required from them, and the accused were ordered to withdraw; but on their re-admission they were required by the chancellor, and by the king, to answer the questions which had been put to them, and they did so, confessing that the signatures were in their writing, and that they had delivered the petition. They were again ordered to withdraw; and after a short interval were again called back. The lord chancellor then informed them that it was the king's pleasure they should be proceeded against for their petition; and that the proceedings should be with all fairness in Westminster Hall, by information, and that in the mean time they must enter into a recognisance. The bishops declined entering into recognisance, pleading that it was contrary to precedent, and to the privilege of parliament, for peers of the realm to be so bound. James stated that his offer to release them on such terms was intended as a favour, and bid them think of the consequences which might attend the refusal; but the accused were not to be moved from their purpose on that point; and it was in consequence agreed, after some deliberation, that they should all be sent to the Tower, as the writers and publishers of a seditious libel against the king and the government.*

* Kennet, iii. 511, 512. Burnet, iii. 231. Phillip's State Trials, 266—268.

The summons of the bishops to attend at Whitehall being publicly known, great crowds of people thronged about the palace, waiting with anxiety the result of the examination. At length the petitioners made their appearance, but it was in the condition of culprits, under a guard of soldiers. The people were moved greatly at this sight; alarm, grief, and indignation, took possession of them as the rumours passed from one to another that the prelates were on their way to imprisonment in the Tower. The boldness of such a proceeding seemed to realise their worst fears concerning the intentions of the government, and the prisoners moved before them as a procession of confessors and martyrs—as the holy men whose piety and patriotism had prompted them to take their stand in the breach for the protection of the faith and liberty of their country. It was altogether a new thing to see such persons in such circumstances; it was a picture of injury and subjection made peculiarly affecting, as allied with exalted station, eminent piety, and generous virtue. The crowd, accordingly, followed the sufferers from the palace toward the river, many throwing themselves at their feet to implore their benediction, and others weeping aloud, or exclaiming “God save the bishops! God save the Church!” When the procession reached the side of the river, and the prelates had taken their place in the barge provided to convey them to the stairs of their prison, numbers of the people rushed into the water to express their sympathy, and to beseech some parting word from them. In the midst of this excitement the bishops conducted themselves with great self-possession and dignity, exhorting the people to patience and loyalty. As the royal barge floated down the river, the banks of the Thames were seen crowded with people, many of whom cast themselves upon their knees and raised their hands towards heaven, in token of their earnest prayer for the safety of the good men who were regarded as hazarding so much in their behalf. By the time the prisoners had reached the entrance to the Tower the impulse had become so general, that the men on guard, and even some of the officers, received them kneeling, and entreated their benediction. On the following day crowds were constantly assembled in the open space near the Tower; numbers, of both sexes, and in the highest station, visited the prisoners; and “among the rest were ten nonconformist ministers, which the king took so heinously, that he sent for four of them to reprimand them; but their answer was that they could not but adhere to the prisoners, as men constant to the protestant faith; nay, what is more extraordinary, the very soldiers who kept guard in the Tower would frequently drink good health to the bishops, which being understood by sir Edward Hales, the constable, he sent orders by the captain of the guard to see that it was done no more; but the answer he received was, that they were doing it at the very instant, and would drink that health, and no other, so long as the bishops were there.”*

* Reresby, 262, 263. Kennet, iii. 512. Ralph, i. 987.

On finding himself thus opposed by the clergy and the populace, and thus completely deserted by the nobility, the gentry, and the nonconformists, the councils of the monarch became more than ever unsteady.

June 10. He had once resolved to let these proceedings fall, and to make the birth of the prince of Wales, which had occurred a few days since, the apparent cause of doing so; but, in the language of Jefferies, "some men would hurry him to destruction." Accordingly, on the fifteenth of June, the bishops were brought before the court of king's bench, by a writ of habeas corpus. On landing from the barge at Westminster, they passed along an extended avenue opened for them by the crowds assembled to do them honour. The greater part of the people, covering the whole space from the place of landing to the entrance of Westminster Hall, were upon their knees, and with tears commended them to the Divine protection, or implored a passing benediction from them. The bishops laid their hands on many as they moved along, and exhorted them to be loyal subjects and stedfast in their faith. On taking their place in the court, they were attended by twenty-nine peers, who had previously offered themselves as sureties for their appearance, if such should be demanded; along with these noblemen were numbers of gentlemen deeply interested in the expected proceedings, while the populace not only filled every corner and avenue of the court, but the whole of the great hall, and the open street to a considerable distance in its neighbourhood. The proceedings of this day, however, were only preliminary to the day of trial.

The counsel for the bishops urged two objections against reading the information, both of which were overruled by the judges; the first not unjustly; the latter on grounds sufficiently obvious to leave room for a difference of opinion. Having failed on these points, what is called an impalance was demanded, by which the prelates would have been freed from the necessity of pleading guilty or not guilty until the next term. On this point also the counsel for the defendants were overruled by the court, but not until they had said enough to make it appear that the court could not decide against them in this particular, without choosing to follow precedents brought in with other irregularities of late years, in preference to the less doubtful practice of better times. The prelates being thus obliged to plead, pleaded "Not Guilty," and the twenty-ninth of the month was fixed upon for their trial. They were not re-conducted to the Tower, but enlarged on their own recognisance. This temporary liberation seems to have been regarded by the people as an omen of triumph. It was hailed with loud shouts in the court, and everywhere among the populace; the bells of Westminster were rung, until silenced by an order from the dean, and bonfires in the evening testified the general delight.*

* Ralph, i. 589, 509. Howell, xii. 189—275. Phillip's State Trials, ii. 270—294.

The counsel for the bishops consisted of the most able men at the bar. Sawyer, who had filled the office of attorney-general; Finch, *Their trial.* who had been solicitor-general; Pemberton, late lord chief *June 29.* justice of the court of king's bench and of the court of common pleas; Pollexfen, a lawyer of great experience, who generally showed his respect for the purer times of sir Matthew Hale; Treby, some time recorder of London; Levinz, who had been attorney-general; and Somers, then young and little known, but who was soon to become a much greater man than the greatest of his colleagues. It was unfortunate that some of these distinguished persons did not appear in the cause of justice and liberty on this occasion with clean hands. This was the case, in a measure, with Pemberton and Levinz, still more with Finch and Sawyer; but the taunts to which these advocates were exposed from their opponents were not applicable to Pollexfen or Somers.

When the bishops appeared in the court on the appointed day of trial, the attorney-general, sir Thomas Powys, opened the case *Defence.* on the part of the crown. In stating the law of libel, he observed, "the bishops are prosecuted for censuring his majesty and his government, and for giving their opinions in matters wholly relating to government and to law. And I cannot omit to take notice that there is not any one thing of which the law is so jealous, or for the prosecution and punishment of which the law more carefully provides, than all accusations and arraignments of the government. No man may say of the great men of the nation, much less of the great officers of the kingdom, that they act unreasonably or unjustly, least of all may any man say such a thing of the king. For these matters tend to possess the people that the government is ill administered; and the consequence of that is, to set them upon desiring a reformation; and what that tends to, and will end in, we have all had a sad and a too dear-bought experience. The last age will abundantly satisfy us whither such a thing does tend." Thus the law of libel was to be in England what the law of *leusing-making* had long been in Scotland—an instrument exposing all persons to the peril of a criminal information who should venture to utter the slightest or the most guarded censure upon the government, or concerning the persons whom it might include.

It is to be observed, however, that the charge against the bishops was not that they had refused to read the king's declaration, but simply that they had composed and published a seditious libel in the form of a humble petition to the sovereign. The intention of the court in taking this narrower ground, was to preclude the necessity of making the dispensing power a point in the contest; and also, as far as possible, to prevent the accused from appearing in the light of sufferers for Protestantism and the Church of England. But all men saw that this course of proceeding had been dictated by the fear of too strong a collision with the public feeling on those points, and no one was deceived by it.

The counsel for the prisoners contended that the petition on which the charge was founded should not be read until the signatures attached to it were proved to be those of the persons to whom they were attributed. In regard to some of the signatures, it appeared that there was a deficiency of evidence on that point, and the four judges were divided upon the question which arose out of this fact; Powell and Holloway being of opinion that proof as to all the signatures was necessary; Wright and Allybone maintaining the contrary. In these circumstances, the latter opinion, though now generally regarded as the most just, was abandoned, and it was found necessary to call in the clerk of the privy council to prove that the prelates had confessed to the hand-writing in the council-chamber,—although that confession was well known to have been made as an act of obedience to the immediate command of the king, and with the understanding that it was not to be brought against them as evidence. But on this evidence the paper was read.

The counsel for the defendants next objected that while the information charged the prelates with having written and published the alleged libel in the county of Middlesex, no proof had been given of its having been written in Middlesex, nor of its having been published anywhere. Three of the judges expressed themselves dissatisfied with the evidence adduced by the counsel for the crown on these points; and the lord chief justice, to the great alarm and mortification of Williams, the solicitor-general, was about to sum up the evidence, and to direct, as it appeared, that on this ground a verdict of "not guilty" should be returned, when Finch interrupted him, observing that he had other matter to offer in defence. The other counsel for the defendants, and the people in the court, regarded this conduct of Finch as treachery or madness, inasmuch as it seemed to hazard defeat at the moment of victory. The real cause of this proceeding is uncertain, but its effect was most important. When the chief justice consented to defer his summing up, Finch was prevailed upon to withdraw his objection; but the solicitor-general then interposed as a petitioner for delay, stating that a person of great quality had been sent for who would furnish the most satisfactory evidence on the points in dispute. The people, who could not be restrained from expressing their feeling of triumph at different points of the procedure in loud shouts or bursts of laughter, were now filled with gloom and misgiving. The court was kept in this state of suspense nearly an hour, when lord Sunderland, after passing through the streets amidst the hissings and hootings of the populace, made his appearance, pale and trembling, as the expected witness. His lordship's evidence was, that he had introduced the bishops to present the alleged libel to the king. The chief justice, on hearing this evidence, said, that the condition of the case was now much changed, and that he should "leave it with some effect to the jury."

It was not until the trial had assumed this shape that the counsel for

the prisoners resolved to make an attack on the dispensing power their great point. Having lost the prospect of obtaining the acquittal of the bishops on technical grounds affecting the mere publication of the petition, they applied themselves to realise the same object on ground which, if successfully taken, must involve a triumph of the great principle of all liberty. They now admitted and justified the delivering of the petition, insisting on the right of the subject to petition and reason against the dispensing power which the king had assumed. The petition, they maintained, was a most respectful apology for non-compliance with the order of the king, accompanied by an earnest entreaty on behalf of themselves, and the whole body of the clergy of England, that he would not insist on their reading the declaration; the dispensing power on which that declaration was founded having been frequently declared in parliament to be contrary to law. Neither in the petition itself, nor in the circumstances attending the presentation of it, was there anything illegal, disrespectful, or in any way to be censured; the conduct of its authors, on the contrary, was altogether such as became them, as peers of the realm, guardians of the act of uniformity, and fathers of the church. Sawyer, Finch, Pollexfen, Levinz, and Pemberton, all expressed themselves to this effect, and opposed the dispensing power with great earnestness and learning, insisting that a power to abrogate laws is as much the peculiar province of the legislature as a power to make them, and adducing many records in confirmation of this opinion as a question of law. Mr. Somers is said to have supplied most of the ancient authorities appealed to by his seniors on this memorable occasion; and his own short speech, which concluded the defence, was in every respect admirable. There was room, he admitted, for dispute concerning the extent to which the sovereign might dispense with the penalties of a particular law, in favour of a particular person, but all were agreed that to dispense with the law itself was no prerogative of the crown; while, in regard to the right of petitioning the sovereign against unreasonable commands proceeding from that source, it was so much the law of all nations that provision was made for it by edict even under the despotic sway of the Roman emperors. "This," he adds, "is all that was done here, and that in the most humble manner that could be thought of. Your lordships will please to observe how far that humble caution went. They did not interfere by giving their advice as peers; they never stirred till it was brought home to themselves as bishops. When they made this petition, all they asked was, that it might not be so insisted on by his majesty as to oblige them to read it. Whatever they thought of it, they did not take upon them to desire the declaration to be revoked. My lord, as to the matters of fact alleged in the petition; that they are perfectly true, we have shown by the journals of both houses. In every one of those years which are mentioned in the petition this power was considered by parliament, and upon debate

declared to be contrary to law. There could then be no design to diminish the prerogative, for the king had no such prerogative. Seditious, my lord, it could not be; nor could it possibly stir up sedition in the minds of the people, because it was presented to the king in private and alone; false it could not be, for the matter of it was true; there could be nothing of malice, for the occasion was not sought, but the thing was pressed upon them; and a libel it could not be, because the intent was innocent, and they kept within the bounds set up by the law that gives the subject leave to apply to his prince by petition when he is aggrieved."

Against such a defence no effective reply could possibly have been made. The crown lawyers insisted that neither the falsehood, the malice, nor the seditious tendency of a libel, were among the matters of fact concerning which the jury were to decide; all those qualities being applicable by law to any publication tending to defame the government. It was urged also, that declarations of parliament in the last two reigns against the dispensing power were not laws on that subject; but it was carefully overlooked that those declarations had never been appealed to in that light, but simply as justifying the conduct of the bishops, by showing the sense of so high an authority on that point. This argument was pushed so far, and so indiscreetly, by Williams, as to call forth a general hiss from the crowd in the court. In conclusion, it was asserted that the prelates possessed no right to petition except from their place in parliament, and that they should have waited until the next meeting of that assembly before attempting to do so.

Among the judges, Powell alone ventured to touch on the dispensing power, and he declared himself against it. That doctrine, accordingly, was regarded as indefensible, even in Westminster Hall, and as utterly refuted, whatever might have been the fate of the bishops on other grounds. Powell declared that he could not regard the defendants as guilty of sedition, or of any other crime. Hollo-way could not charge them with evil intentions, and acquitted them of the guilt of libel on that ground. Wright accounted every writing adapted to disturb the government as a libel; but Allibone, who was a catholic, and who as such held his office in virtue of the dispensing power, set no bounds to his servility. "No man," he observed, "can take upon himself to write against the actual exercise of the government, unless he have leave from the government, but he makes a libel, be what he writes true or false. The government ought not to be impeached by argument." All petitioning on public affairs, he, for the same reasons, condemned; limiting the object of all such approaches to the monarch to the private matters of the petitioner.

The trial commenced at nine o'clock in the morning, and lasted until seven in the evening. The jury then retired to consider of their verdict. Some hours passed, and they did not return. At midnight, and at three

o'clock, persons who stood in anxious suspense near the door of the retiring room heard them in loud debate. This delay was occasioned by the opposition of a man named Arnold, who was brewer to the king's household. His obstinacy, however, was at length subdued by the firmness of the rest, and at six o'clock in the morning the judges were apprised that the jury were agreed. At nine o'clock the court assembled: the benches were covered with the nobility and gentry; the people crowded every avenue, filling, in immense concourse, the great hall adjoining, and pressing in multitudes towards its entrance from the public streets. The foreman of the jury, sir Robert Lang- The bishops ley, on the question being put whether the accused were acquitted, guilty or not guilty, pronounced the verdict—Not Guilty. These words were no sooner uttered, than the deep silence of the court was followed by a loud shout of triumph, in which persons of every rank seemed to join to the utmost; the verdict was echoed from the court within to the adjoining hall, and fled with rapidity from man to man in the streets beyond. The acclamation from the populace was described at the time as "a very rebellion in noise," and compared to a falling of the massy and wide-spread roof of the structure from which it proceeded. In a few minutes the news and shouting reached to the Temple, and in no long time spread to the royal camp at Hounslow, ten miles distance. James, on hearing the acclamations of the soldiery, inquired what it meant, and being told by Feversham that it was nothing but the men shouting because news had come that the bishops were acquitted, his countenance instantly fell, and in the confusion of his thoughts and emotions, he replied, "Call you that nothing?—but never mind, it will be so much the worse for them." When the jury left the court they were hailed with the most enthusiastic cheers, as the defenders of protestantism, and the deliverers of their country; while, upon bishop Cartwright, and Williams, the solicitor-general, the crowd heaped every expression of reproach and derision. In the city all business was suspended for some hours, and men seemed to exist but to congratulate each other with tears of delight on what had happened. In the evening the bells were rung, and bonfires kindled, in all parts of the metropolis. Before the windows of the royal palace the pope was burnt in effigy, and the toast everywhere went round—health to the bishops and the jury, and confusion to the papists. The principal towns through the country vied with the capital in these expressions of feeling; the proudest churchmen, and every class of dissenters, seemed to be of one mind; and the parties who had done most towards urging the king to prosecute his obnoxious measures, began to express their utter despair of seeing a people whose heresy partook of so much "rancour and malignity" ever brought within the fold of the church. Nor was it at all surprising that so much feeling should have been evinced in relation to this struggle on both sides. "It was the prosecution of men of the

most venerable character and manifestly innocent intention, after the success of which no good man could have been secure. It was an experiment, in some measure, to ascertain the means and probabilities of deliverance. The government was on its trial; and by the verdict of acquittal, the king was justly convicted of a conspiracy to maintain usurpation by oppression.*

One of the first acts of the king, in consequence of these proceedings, was to create Williams a baronet, and to punish the integrity of Powell, and the scruples of Holloway, by removing them from the bench. The manner of the king also was much changed. He was observed to be more thoughtful and abstracted, and less disposed to talk on public affairs. The birth of a prince of Wales, only a few days since, had given a new degree of strength to the royal cause; and it was farther reinforced immediately after the trial of the bishops, by the announcement that the earl of Sunderland had become a convert to the catholic faith. The conduct of Sunderland, while it had long tended to destroy all confidence in his principles, had been such as to beget a high opinion of his sagacity, and his conversion at such a moment could not fail to be regarded, in many quarters, as an indication that the power of the crown, even now, was not in so precarious a condition as was generally supposed. Such an avowal, in the present critical posture of affairs, was the best piece of service the minister could render to his sovereign, and the only means by which he could hope to prevail against the machinations of his enemies at court. It was his last card, and it was ventured accordingly. His wife, and his connexions generally, deeply deplored his "apostacy." James hailed the event with peculiar satisfaction.

But if the sincerity of Sunderland's conversion was suspected, the alleged birth of the prince of Wales was much more a matter of scepticism. That event had been for some time the hope of the catholic and the fear of the protestant; and these passions, greatly more than any evidence upon the subject, dictated the conclusions entertained concerning it by the two parties. To us, the fact of a real birth may appear plain, and all incredulity in relation to it a remarkable instance of human infirmity. It is not the less certain, however, that this incredulity, affecting as it did all ranks, and especially the mass of the people, was in general sincere—so much so, that no man was accounted a friend to protestantism and to liberty who did not share in it. Nor was the case without many suspicious circumstances; and that the Jesuits about the court were capable of descending to any species of fraud, and sufficiently versed in the arts of imposture to accomplish almost anything they undertook, was a conviction of

* Mackintosh, 266—278. Howell, xii. 277, *et seq.* Phillips's State Trials, ii. 294, *et seq.* Kennet, iii. 513—515. Ralph, i. 991—994. Reresby, 263, 264. Ellis's Correspondence, i. 354. 360. 365. 380. ii. 2. 5. 7. 11.

the popular mind which nothing could dislodge. The opinion also, which thus owed its origin to the impulses of passion, was upheld long afterwards as subservient to the interests of a powerful party.

The Court of Ecclesiastical Commission took up the subject of the delinquency of the clergy in general concerning the king's declaration; but they shrunk from the difficulties which ^{Attempt to gain the dissenters.} opened before them. The last meeting of that body was in the month of August. In the mean while James made another effort, but with scarcely the slightest degree of success, to attach the dissenters to his policy. On the other hand, many of the ruling clergy, and particularly the archbishop of Canterbury, made some attempts to efface from the mind of the nonconformists the memory of the wrongs which they had so long experienced from the hands of the Church of England, holding out to them the hope of some plan which might comprehend the more moderate of them within the pale of the Establishment, and that should confer on the rest a free and legal toleration.*

Thus, during the short interval since his accession, James had severed himself from the Church of England and from the protest- ^{Appearances of disaffection in the army and navy.} ant nonconformists. His only remaining dependence was on the navy and army, both of which had already given alarming indications of participation in the popular feeling.

The intrusion of several monks and Catholic priests into the fleet at the Nore, called forth strong signs of insubordination among the seamen, which even the presence and affabilities of the king did not suffice to allay, until the obnoxious persons were ordered on shore. But the army was regarded by the monarch as his grand instrument. He had taken great pains to place it in such hands as might best secure it to his service, and he sometimes boasted of the number of catholics to be found in that body, not only among the officers, but in the ranks. The royal condescension displayed at the Nore, was more studiously exhibited in the camp at Hounslow. At length, to place the fidelity of this great stay of his power beyond doubt, James ventured to issue a test, which required both officers and men to pledge their assistance for a repeal of the penal laws. This ill-advised experiment was first tried on the regiment under the command of lord Lichfield, which was regarded as the most manageable. Those who were not prepared to take the test were called upon to lay down their arms; and the whole regiment, with the exception of two captains and a few catholic soldiers, placed their arms on the ground. The disclosure of this dreadful secret filled the unhappy monarch with astonishment and dismay. He looked for a moment in silence and ill-concealed anguish on the scene before him; he then commanded the disobedient to take up their weapons, adding, that he should not again do them the honour to consult them on such matters. An attempt was

* Ellis's Correspondence, ii. 63; Doyley's Life of Sancroft, i. 324; Sayer's News' Letter, 7th, 21st July; London Gazette, 6th July.

afterwards made to infuse a mixture of Irish catholic recruits into the regiment which garrisoned Portsmouth. Ten of these strangers were to be incorporated with each company, but the five captains and the lieutenant-colonel openly refused to receive them; these officers were summoned to Windsor and cashiered, but with such manifest reluctance and trepidation, as rendered the proceeding a display of the weakness more than of the strength of the government.*

To so feeble a condition had James reduced himself from the height of that power in which he had revelled on the death of Argyll and Monmouth only three years before. Ireland, indeed, was still, on the whole, in his interest; and the Established Church in Scotland was governed by men incapable of manifesting any sympathy with the better spirit which had begun to display itself among the clergy of the Church of England. Louis and his ambassadors also, still spoke of the military aid which his majesty might obtain from France, should the exigency of his affairs become such as to need it. But James appears to have regarded the power of France with a new feeling of jealousy, as his own was seen to be everywhere declining; and while Scotland had long been too much injured to be relied upon in a time of weakness, the attempts which had been made to derive assistance from the Catholics of Ireland, had served to awaken a degree of suspicion and disaffection which no help from that quarter could be expected to subdue.

Nor did the embarrassments of the king end at this point. If there were moments in which he felt disposed to lean upon France for military succour, or when he gave ear to counsels which tended to render him more than ever a dependent on Versailles, he must always have calculated at such times on the resistance which such a policy would be sure to call forth on the part of Holland. The position of the United Provinces, with regard both to France and England, rendered it imperative that the statesmen of that republic should be constant observers of public affairs, and studious to defeat political intrigue in those quarters. In the case of the prince of Orange—his connexion with English affairs. he must always have calculated at such times on the resistance which such a policy would be sure to call forth on the part of Holland. The position of the United Provinces, with regard both to France and England, rendered it imperative that the statesmen of that republic should be constant observers of public affairs, and studious to defeat political intrigue in those quarters. In the case of the prince of Orange, many circumstances contributed to render this policy as necessary to his self-preservation as to the attainment of those higher objects on which his honourable ambition had been long fixed. In 1672, when in the twenty-second year of his age, a popular revolution raised the prince to the possession of the supreme authority in the United Provinces under the title of Stadtholder. The courage, and the transcendent skill and perseverance, with which the prince resisted the concentrated power of France has been already narrated. No struggle in the history of ancient or modern warfare has called forth a greater display of those qualities which command and deserve admiration. When the prince who had thus kept the great despot of Europe at bay, became the hus-

band of the princess Mary, the fact that in the event of the death of Charles and James without children, his consort would become queen of England, of necessity brought his name into more frequent and much nearer connexion with English politics, and naturally disposed him to watch the course of events in this country with a new feeling of interest. Until the recent birth of the prince of Wales, the only life between the princess Mary and the throne was that of her father; and it was only a little before the birth of the prince that the extreme Catholic party in the court, despairing of so happy an event, had devised their scheme for thrusting aside the claim of the princess Mary and William, in favour of her younger sister the princess Anne, and prince George, who, as we have seen, were regarded as much less fixed in their principles as Protestants. James is described as being greatly incensed by this project, and as declaring that much as he might deplore leaving his unfinished plans to be wholly frustrated by a protestant successor, even such an evil was not to be guarded against by such means.

Whatever may have been the feeling of the king concerning this scheme, it was an occurrence which served, along with many others, to admonish the prince of Orange in regard to the kind of opposition with which he had to deal in such quarters. In the heats of faction which ensued upon the Revolution, William was often charged with not having confined himself to the defensive in affairs of this nature. According to these accounts he had secretly favoured the expedition of Argyle and the invasion by Monmouth; and was constantly watching, in the spirit of a subtle and unscrupulous politician, to seize upon any course of events which might be made to subserve his elevation to the throne in the place of his father-in-law. But these assertions are not borne out by the evidence of history. It is certain that the prince was much concerned to secure the friendship of James on his accession; that in the hope of bringing about a more effective alliance between England and the United Provinces, he made every submission practicable in his circumstances; and that his correspondence with the king justified him in concluding that his efforts with that view would not be found altogether fruitless. One article of the prince's submission was a command to the duke of Monmouth to quit Holland; he also required that unfortunate nobleman to write a submissive letter to his uncle, and to pledge himself against attempting anything inconsistent with the expressions of that document.

It is not improbable that the formal delays which favoured the departure of Argyle and his followers were, in a measure, the result of some sympathy with the Scottish exiles on the part of the magistrates of Amsterdam; but that the prince, or the States-General, were to blame on that subject does not appear. With regard to Monmouth, before quitting Holland, he wrote to the authorities of Amsterdam, complaining, in the strongest terms, of the prince, as having sacrificed him to obtain the

favour of James. His enterprise, moreover, was one which, if successful, must have excluded the prince from the crown of England; if a failure, its tendency was to strengthen the interests of France rather than those of Holland; and when it is remembered that Monmouth proclaimed himself king soon after his landing; that the correspondence of the prince at the time, concerning the invasion, is largely preserved, but without betraying the slightest indication of his being in any way implicated in it; and that Monmouth, when a prisoner, could only express his sorrow that he had not followed the advice of the prince in abstaining from the course he had pursued—all these circumstances, not to mention others, justify the conclusion, that whatever the faults of William may have been, he is not chargeable with having been a party, in any sense, to the ill-concerted schemes of Argyle or Monmouth.

Such, indeed, was the satisfaction of James on this point, that the Dutch ambassador succeeded, after the defeat of Monmouth, in a renewal of the defensive alliance between England and Holland. Louis complained of this proceeding, and James and his ministers laboured to explain it, so as still to urge their suit at Versailles for more money. It was in the train of these proceedings that Sunderland obtained an annual pension of twenty-five thousand crowns from Louis, on condition of undertaking that the king his master should not contract any engagement opposed to the interests of France. James was naturally much more disposed to ally himself with the catholic monarchy of France than with the republican presbyterians of Holland; and this sordid intrigue on the part of Sunderland, operated secretly as an additional pressure on that tendency. The coldness and suspicion which began in consequence to mark the policy of the English cabinet, taught William to League of prosecute, with new earnestness, those private negotiations Augsburg. with the confederates, which, in the summer of 1687, ended in the formation of the League of Augsburg.

This association, as it was modestly called, included the emperor, the elector of Brandenburg, and the other chief princes of the empire, the kings of Spain and Sweden, the dukes of Lorraine and Savoy, the United Provinces, and, secretly, the republic of Venice, and the Pontiff. The object of this league was to protect the treaties of Westphalia, Nimeguen, and Ratisbon, and was declared accordingly to be purely defensive. Louis watched the progress of this formidable organisation with high displeasure and some alarm. His emissaries were commanded to penetrate the secrets of every cabinet among the confederates, and they spared neither cost nor hazard in so doing. He made preparations for another general war, indulged in threatening language, and proceeded to some slight aggressions, which, in other circumstances, would have afforded sufficient ground for the commencement of hostilities. But by this time, the prince of Orange, to whose genius this confederacy owed its origin, and by whom all its springs were regulated,

began to regard the course of affairs in England as likely soon to demand from him some personal interference, to which any entanglement, on his part, with a continental war would not be favourable. Louis himself, also, deemed it expedient to abstain from very decisive measures, until the part which England might be found to take in a general struggle should be better ascertained. The tone of superiority assumed on some occasions by that monarch, and by his ambassadors, had been very unacceptable to the feelings of James, and not the less so, as these humbling exhibitions of the power of France were not accompanied by those pecuniary supplies to which his Most Christian Majesty was in some sense pledged.

At what period the prince of Orange began to entertain the idea of interposing by force in the affairs of England is a point on which there has been much controversy. Burnet has given us the substance of a conversation which took place between himself and the prince and princess in 1686, from which it has been concluded that William must have cherished such thoughts even at that time. But the language which is said to have fallen from the prince on that occasion, if viewed without prejudice, will not be found to warrant any such inference. It should be remembered, that at the time of that conversation the princess Mary was heiress presumptive to the English throne, with scarcely the least probability of her claim in that relation being ever open to dispute.

The next year brings us to the mission of Dykvelt, as ambassador from the States to the court of London, whose instructions were to expostulate with the king decently, but firmly, upon the measures he was pursuing both at home and abroad. This minister was also commissioned to assure the clergy of the Church of England that they might confide in his master's fidelity to their cause, and to the true interests of the nation at large. It had been urged upon the prince, by correspondents from among the English clergy, particularly by Compton, the suspended bishop of London, that he should use his influence to secure the adherence of the English nonconformists to the side of the Established Church by every means in his power—an object which Dykvelt kept steadily in view, and which William endeavoured to secure by sending over a number of exiled nonconformist ministers from Holland for that purpose. The great point at issue between James and William at this moment, was the repeal of the Test-laws. William declared himself willing to tolerate the catholic worship, but spoke of being immovably opposed to the admission of catholics into parliament and places of trust. Whatever his private convictions may have been concerning the utility or the justice of such intolerant restrictions, the prince knew that tories and whigs, churchmen and dissenters, were all agreed in insisting on their continuance. William was confirmed in his policy in this particular, by a significant letter which he received from lady Sunderland, intimating that Dykvelt was in danger of being

so influenced by fair promises, as to conform to the policy of the king in this matter, and apprising him that the whole would turn out to be a snare laid for the ruin of his popularity in England. William not only persisted in the course he had chosen, but contrived to interest the courts of Madrid, Vienna, and Rome, in the same policy. Dykvelt returned to the Hague at the end of May, bearing letters to the prince of Orange from many persons of consideration in England, written in terms which justified him in regarding their authors as ready to assist in placing the affairs of their country in his hands whenever the fitting occasion should arrive. The most considerable of these correspondents were the marquis of Halifax, the earls of Shrewsbury, Devonshire, Danby, and Nottingham, the lords Mordaunt and Lumley, the Admirals Herbert and Russell, and the bishop of London.

These persons held frequent conferences at the house of the earl of Shrewsbury; and the prince, though his confidence in some of them was very limited, was regulated in his movements, for the most part, by the information conveyed to him from those quarters. Russell had a sister settled in Holland, and in connexion with a visit to her, in the month of May, waited on the prince, to urge, "in the name of many of great power and interest in England," that he would take decisive measures for the deliverance of their country from the evils with which it was threatened. William replied, that he should not be unwilling to embark in such an enterprise if invited to it by names of sufficient weight, and that he thought he might be prepared to do so by the end of September. On the return of Mr. Russell the question of an invitation to the prince with signatures was mooted. Sidney, brother to the late Algernon Sidney, a person much in the confidence of the prince, touched on that point in a conversation with Halifax, but found him too timid to be trustworthy. Nottingham felt, or affected to feel, the passive resistance scruples prevalent with the party to which he had always been attached. The secret was disclosed with more success to the earl of Danby, who concurred in it heartily, and prevailed on the bishop of London to follow his example. The earl of Devonshire was next spoken to, and went into it with great resolution. It was afterwards mentioned to three of the chief officers of the army—Trelawny, Kirke, and lord Churchill afterwards duke of Marlborough. Trelawny persuaded his brother also, the bishop of Bristol, to be of the party. Churchill engaged that the princess Anne and prince George should go over to the prince on his landing, and promised to take with him such officers of the army as he could trust.

Early in September the earl of Shrewsbury and admiral Russell went as a deputation to Holland, and were soon followed by Sidney, and his secretary Johnstone. According to Burnet the secret was soon made known to many thousands in England, but the heads of the prince's intended declaration were so generally and cordially approved that no

man betrayed the confidence reposed in him. In the mean while the warlike preparations in Holland could not be conducted so secretly as to elude suspicion. Louis admonished James of his danger, and offered him the assistance of fifteen thousand men, and even of a much greater force if it should be deemed necessary. Sunderland stood almost alone in opposing this offer. He argued, that in the event of a national struggle, so small a force would rather provoke jealousy than secure a triumph, and that to conquer by the military power of France would be to become the vassal of that power. James felt this dilemma, and persuaded himself that the necessity of choosing between its difficulties had not yet arrived, and that notwithstanding so many suspicious appearances it was hardly likely to arrive. Barillon himself, better acquainted with the court than with the nation, appears to have supposed, that if the sword were unsheathed, it would be in the power of the king to divide the country in his favour much as his father had done before him; and he accordingly advised the French monarch to prosecute his intended winter campaign against the emperor, and to defer all thought of active interference with regard to England until the next year. The consequences of this counsel, so fatal both to the hopes of James, and to the ambition of Louis, appear to have utterly destroyed the reputation of the veteran diplomatist from whom it proceeded.

The war which Louis was so much bent on prosecuting at this juncture had been sought by him on the most trivial pretexts. William puts In the same pride of power, he had recently adopted some ^{to sea, and} fiscal arrangements which not only betrayed his usual con- ^{lands his} tempt of the faith of treaties, but so much affected the ^{forces at} Torbay. commerce of Holland, that its trading population were rather disposed to provoke hostilities than to view them with apprehension. In short there was a singularly unexpected concurrence of circumstances at this moment, which favoured the designs of the prince of Orange with regard to England. Every possible covert was thrown over his preparations, until they appeared to come forth complete as the work of a few days only. Nothing seemed to be wanting except favourable weather: that, however, was for some time withholden. The fleet first put to sea on the twenty-eighth of September, under the command of Admiral Herbert, but was driven back by contrary winds, which blew with great violence for more than a fortnight. On the morning of the nineteenth of October the armament was again under sail, with a clear sky and a propitious breeze. But as evening came on, the wind again became adverse, and before morning had so dispersed the greater part of the fleet, that the most serious losses were apprehended. In a few days, however, it was ascertained that the damage sustained was much less than had been feared, the principal loss being in stores and horses. On the first of November the armament made its final departure from the Dutch coast, and on the fifth of that month landed its forces at Torbay in Devonshire, without encountering

the slightest opposition on the sea or the land. The fleet consisted of sixty men-of-war, and of nearly 700 sail of transports. The military force amounted to 11,000 infantry, and to 4500 cavalry. Arms were provided also to equip a much greater number. The English fleet under lord Dartmouth had proved useless, partly from ignorance in regard to the quarter at which the prince might attempt his landing, and partly from an unfavourable wind which set in strongly immediately after the landing at Torbay.

It will be remembered that more than a month elapsed between the completing of the Dutch armament and its appearance off the coasts of England. This long obstruction from the winds and waves was interpreted with much dismay by some of the followers of the prince, and administered a degree of false hope to James, and to such as were faithful to him. James employed this interval in endeavouring to free the birth of the prince of Wales from the suspicions which had attached to it; and in attempts to conciliate the bishops, and to regain the confidence of his subjects by retracing his steps in regard to some of the more obnoxious of his proceedings. But the bishops could not be prevailed upon to sign a paper expressing "abhorrence" of the expected invasion, one excuse after another being made by them until the news arrived that William had landed; and with regard to the people in general, they were too sensible that the concessions made by the king were forced from him by circumstances to be much affected by them. Hough, and the expelled fellows, were reinstated in Magdalen College; the bishop of London was restored to his see; the court of Ecclesiastical Commission was abolished; the old charters of London, and of other boroughs were given back; and a free parliament to be chosen upon the old franchise was promised. But nothing of the impression expected from these displays of the royal favour was made by them.*

The declaration published by the prince consisted of sixteen articles. It enumerated those proceedings of the government since the accession of the king, which were regarded as in the greatest degree opposed to the liberty of the subject and to the safety of the Protestant religion. The conduct of the king in the matter of the dispensing power, in setting up the court of Ecclesiastical Commission, in suspending the Test-laws, in prosecuting the bishops, in controlling the judges, in depriving corporations of their liberty and of the power to elect a free parliament,—all these things, and more were attributed, in that document, to the influence of evil counsellors, from whose pernicious ascendancy it became all men, and especially such as were most concerned in the welfare of the country, to deliver the misguided sovereign. To provide some effectual remedy against these and similar evils, was the only design of the enterprise in which the prince, in com-

* Ralph, i. 1010—1012. Burnet, iii. 317—322.

pliance with earnest solicitations from many lords, both spiritual and temporal, from numbers among the gentry and all ranks of people, had now embarked. The prince further pledged himself to promote such measures with regard to liberty of conscience in matters of religion as should give many of the nonconformists a place within the pale of the Established Church; and to secure a legal toleration, which should extend even to the Catholic worship. Addresses were also published to the army and navy, inviting the military and sailors to join with their countrymen in the attempt to bring the long distracted affairs of the nation to so desirable a settlement.*

The immediate effect of these appeals did not correspond with the expectations of William and his followers. On the eighth of November the people of Exeter received the prince with ^{The feeling} evinced in his quiet submission. The memory of Monmouth's expedition ^{favour.} was still fresh and terrible through the west. On the twelfth, lord Cornbury, son of the earl of Clarendon, went over, with some officers, and about a hundred of his regiment to the prince; and most of the officers, with a larger body of the privates belonging to the regiment commanded by the duke of St. Alban's, followed their example. Of three regiments, however, quartered near Salisbury, the majority could not be induced to desert the service of the king. James concluded from this occurrence, that the greater part of the army was manifestly faithful to him; but the officers in that body who deserved his greatest confidence were of a different opinion, attributing this partial failure of Cornbury and his friends, and with probable truth, to the want of management more than to the cause supposed. Indeed every day now brought with it new accessions to the standard of the prince, and tidings of movements in different parts of the kingdom in his favour; while James was as constantly reminded, by one desertion after another, that he lived in an atmosphere of treachery, with scarcely a man or woman about him to be trusted. The defection of the lords Churchill and Drumlaneric, and of the dukes of Grafton and Ormond, was followed by that of prince George and the princess Anne. Prince George joined the invader at Sherburne; the princess made her escape from Whitehall at night, under the guardianship of the bishop of London, and found an asylum among the adherents of the prince of Orange who were in arms in Northamptonshire.† By this time Bristol and Plymouth,

* Kennet, iii. 523—525.

† "The desertion of his own family gave a severe blow to the unhappy James, who could not refrain from tears when he heard of it. De Foe, alluding to the event, gives the following account of the sensation which it produced in the metropolis. 'I cannot but remember the consternation among the people, when it was first noised abroad that the princess was missing; it being at first warm among the people that they had murdered or made away with her. I want words to express the compassion that appeared in the countenances of the people: and so much was she then beloved, that the very soldiers talked of setting Whitehall on fire, and cutting the throats of all the Papists about the court. The people ran raving up

Hull, York, and Newcastle, were among the places of strength which had been seized by the partisans of the prince. His standard had also been unfurled with success in the counties of Derby, Nottingham, York, and Cheshire. In some of these places resolutions had been publicly passed, which declared that to unsheath the sword against a prince who governed according to law would be rebellion, but that to resist a monarch who had set law at defiance was an act of necessary defence. Even in Oxford, several of the heads of colleges concurred in sending Dr. Finch, warden of All Souls' College, to invite the prince from Dorsetshire to their city, assuring him of their willingness to receive him, and to melt down their plate for his service, if it should be needed.

So desperate had the affairs of James now become, that some of his advisers urged his leaving the kingdom, and negotiating with safety to his person from a distance; but from that course he was dissuaded by Halifax and Godolphin. In compliance with the advice of an assembly of peers, James issued a proclamation on the thirteenth of November, stating that writs had been signed to convene a parliament on the fifteenth of January; that a pardon of all offences should previously pass the great seal; and that commissioners should proceed immediately to the head-quarters of the prince of Orange, to negotiate on the present state of affairs. The commissioners chosen by the king were Halifax, Nottingham, and Godolphin; but William evaded for some days the conference which they solicited. In the mean time a forged proclamation in the name of the prince was made public in London, denouncing the Catholics of the metropolis as plotting the destruction of life and property on the largest possible scale, and calling upon the magistrates to disarm all such persons, and to hold themselves prepared to answer for any negligence in the discharge of this duty at a future day. No one doubted the authenticity of this document, and the ferment and disorder which it spread through the city filled the king with the greatest apprehension for the safety of himself and family.

On the morning of the ninth of December, the queen and the infant prince of Wales were lodged on board a yacht at Gravesend, and commenced a safe voyage to Calais. James pledged himself to follow within twenty-four hours. In the course of that day the royal commissioners sent a report of their proceedings to Whitehall. The demands of the prince were, that a parliament should be assembled; that all persons holding public trusts in violation of the Test-laws should relinquish them; that

and down, and the confused crowds thronged into the apartments of Whitehall, inquiring of every one they met, if they had seen the princess? Had it not presently been made public that she was withdrawn; nay, had not the letters she left behind her been made public, some fatal disturbance had been seen in the very palace, and that within a very few hours? It was the occurrence of such scenes as these that contributed to the alarm of the king for the safety of his person and family."—Wilson's Life of De Foe, I., 152, 153.

the city should have command of the Tower; that the fleet, and the places of strength through the kingdom should be placed in the hands of Protestants; that the expense of the Dutch armament should be defrayed, in part, from the English Treasury; and that the king and the prince, and their respective forces, should remain at an equal distance from London during the sitting of parliament.

James read these articles with some surprise, observing that they were much more moderate than he had expected. But his pledge had been given to the queen; the city was still in great agitation; and private letters, intimating that his person was not beyond the reach of danger, suggested that his interests might possibly be better served by his absence than by his presence. Hence his purpose to leave the kingdom remained unaltered. At three o'clock on the following morning the king left Whitehall with sir Edward Hales, disguising himself as an attendant. The vessel provided to convey him to France was a miserable fishing-boat. It descended the river without interruption until it came near to Feversham, where some fishermen, suspecting Hales and the king to be Catholics, probably priests endeavouring to make their escape in disguise, took them from the vessel, and conducted them to the principal inn in the town. James made himself known: the people of the town crowded the street, a few forcing their way into his apartment and treating him with some rudeness, others manifesting their pity over his fallen greatness.*

Flight of the king.—Detained at Feversham.

Had the monarch succeeded in making his escape to France, the course open to the prince of Orange would have been much less difficult than it now proved, and the powerful Jacobite party would, perhaps, scarcely have been heard of in our history. On the flight of the king, the most scrupulous began to conclude, that to invite the prince to take the government upon him was the only just and safe method of proceeding. By this act the throne was vacated, and might be filled by the most eligible successor from the royal family at the pleasure of parliament. But the arrest of the monarch at Feversham on Wednesday was followed by an order of the privy council, commanding that his carriage and the royal guards should be sent to reconduct him to the capital, which took place accordingly on the Saturday, when many of the people, touched with compassion toward him, appeared to hail his return with great delight,—“so slight and unstable a thing,” says the historian, “is a multitude, and so soon altered.”† The difficult question now was, how to dispose of the king’s person, it being deemed impossible that the king and the prince should be together in London, with their respective forces, without great danger to both. After some consultation the king was informed that the public interests required his immediate with-

Important consequences of this accident.

* Burnet, iii. 342—346.—Wilson’s Life of De Foe, I., 156, 157.

† Burnet, iii. 347—353.

drawment to some distance from Westminster, and Hampton Court was named. James expressed a preference for Rochester, and his wishes in that respect were complied with. The day on which the king withdrew to Rochester William took up his residence in St. James's.

The king chose his retreat, deeming it probable that it might be expedient for him to make a second effort to reach the continent. His queen wrote, entreating, almost commanding his fulfilment of the pledge without which she had never consented to leave him; and if some of his friends urged his remaining, others offered different council. His guards left him so much at liberty, that no impediment to his departure was likely to arise; and on the last day of this memorable year—only a week after his removal from Whitehall, James embarked secretly at Rochester, and with a favourable breeze safely reached the French coast.

The convention parliament assembled on the twenty-second of January. Its discussions embraced various projects concerning the disposal of the sovereignty, according to the views of the several parties existing in the two houses and through the kingdom. The high-church party urged that James should be restored, but with such restrictions on his power as might secure a wiser government of the nation in future: a second party, while they could not place this measure of confidence in the exiled king, were no less opposed to any formal act that should disinherit him, and recommended strongly that the supreme power should be placed in the hands of the prince under the title of regent: a third party maintained that the duties of sovereigns and subjects were reciprocal, and the result of a virtual contract between them; that James had so far violated his regal obligations as to have wholly dissettled the constitution which he was sworn to protect, and by leaving the country, in place of remaining to concur with the deliberations of a free parliament, had abdicated the government, and left his vacant throne to be filled by the choice of the nation. The first of these parties was reminded by the second, that the principles on which they would bring back the king were of a nature to condemn their subjecting him to any sort of restriction; and the second party was admonished by the third, that to punish the delinquency of a king, by substituting a regent in his place, was to break in upon the sacredness of royalty, no less certainly than by transferring the monarchy itself to other hands. In each of these parties there were different shades of opinion, the first including many who had gone far into the principles of non-resistance, and the last a considerable fraction who verged strongly toward republicanism.*

Three weeks were occupied in debates on this question. William, who had carefully abstained from everything that might have borne the appearance of effort to influence the late elections, observed the same

* Parl. Hist., v. 26, *et seq.* Burnet, iii. 373—394.

silent and cautious neutrality in regard to the deliberations of the two houses when assembled. But when the points adverted to had been debated for some time with much warmth, and with little prospect of any desirable issue, the prince sent for Halifax, Shrewsbury, and Nottingham, and told them that he wished to have avoided making any disclosure of his own sentiments in relation to the matters which were now occupying so much of the public attention, but that he thought it might expedite affairs, and prevent mischiefs, to inform them that he could not accept the office of regent, nor take any share in the English government merely by courtesy, as the husband of the princess; that the condition indispensable to his so doing was, that sovereignty should be vested in his person; that should it be the pleasure of the parliament to come to some other settlement, he should not oppose its proceedings, but willingly return to Holland and meddle no more with English affairs; that whatever others might think of a crown, it was no such thing in his eyes but that he could be well content without it.* This manly avowal—in present circumstances the only one that became him—was made with the intention of its being generally known. It conduced to the settlement which followed. In the lords the motion to appoint a regent had been lost by a minority of forty-nine against fifty. The proposition that there is an original contract between the king and the people was carried by fifty-three against forty-six. But, on the maxim that the king never dies, the resolution of the commons, which declared the throne to have become “vacant,” through the flight and conduct of James, was negatived by a majority of eleven. The word “abdicated,” as applied by the lower house to the withdrawal of the king from the government, was substituted in the lords by the word “deserted.” This contest about words led to learned conferences between the two houses, in which the commons prevailed, and the throne was at length declared “vacant.” The way was thus prepared for the ^{Elevation of} declaration of William and Mary as conjoint sovereigns, ^{William and} Mary to the ^{Mary to the} administration, to prevent distractions, being placed ^{throne.} singly in the prince.†

Was this proceeding to be justified? Certainly not—if the war against Charles I., or even if the formal dethronement of that monarch, were not to be justified. The government of ^{Character of} the first Charles was, upon the whole, no less unconstitutional ^{the Revolution} than that of James II. If the one availed himself of ^{1688.} a corrupt opinion from the judges in regard to his dispensing power, the other did the same on the equally vital question of ship-money; and if the one commanded the bishops to read from their pulpits what they professed they could not read in honour or conscience, the other had been still more unmindful of such scruples when putting forth his book of sports, and had punished the disobedient with more signal severity.

* Burnet, iii. 394—396.

† Ibid., Parl. Hist., v. 61 *et seq.*

It may be added, also, that the former was chargeable with a violence of conduct towards the representatives of the people that cannot be urged against the latter; and that he manifested a less doubtful inclination to rule without the intervention of parliaments. The contest, therefore, which has rendered the year 1688 so memorable, was the same that had been maintained, with greater violence indeed, but also with greater intelligence, and a much larger measure of public spirit, in 1641; in both cases the same great principles were involved, and the same character, in many of its leading features, was observable in the men who filled the throne.

The discussions which the Exclusion Bill had rendered so familiar to the parliament and people were now in effect resumed, and with a deeper and more general interest. The same choice between exclusion and compromise recurred. While the falling monarch proposed concessions, as large as the most sturdy advocates of popular rights could have demanded, expedients to secure him in possession of the throne were sure to be widely supported. But opposed to all schemes of that nature were those elements in the character of the sovereign, which rendered the weakness of such pretences obvious, and would have made compliance with them so much injustice to the nation. Everything which the exclusionists of the last reign had foretold as to be done by the duke of York, should he ever become king, had come to pass. Thus the position of the Whig party had become the advantageous one. On the one hand were the strict adherents to hereditary claims, whose circumstances disposed them to place the king in a condition of restraint, degrading to the monarchy, and certainly hateful to himself. On the other were the men who asserted that the line of succession should be, in common with every principle of civil society, subservient to the general welfare, and who, accordingly, urged a transfer of the crown to the next in descent who might be expected to wear it most in obedience to that end.

Nor was this right of parliament to alter the succession the most remarkable or the most important doctrine involved in the revolution thus accomplished, inasmuch as this had been often asserted, and sometimes exercised, in the course of our history. The main principle and effect of this proceeding resulted, as a consequence, from its great act in relation to the throne; viz.—the practical subjection of the king to the laws, instead of the total, or even partial, subjection of the laws to the king. It at once annihilated the doctrines of divine right and non-resistance, “and brought into easy and undisturbed practice those ancient rights and liberties, which the Plantagenets had attempted in vain to subvert, which the Tudors had often been allowed to trample upon, and which the Stuarts sacrificed their throne to destroy.”*

No sober man can suppose that anything short of invasion, or civil

* Life of Lord Russell, i. 164.

war, could have sufficed to bring James II. to govern the people of England in the manner which the constitution provided; and no less certain must it be, that, had he continued king, the great business of his life would have been to neutralise or break through every restraint that might have been laid upon him in favour of Protestantism, or of the general liberties of Europe. "Those who grudged William III. the laurels that he wore for our service are ever prone to insinuate that his unnatural ambition would be content with nothing less than the crown, instead of returning to his country after he had convinced the king of the error of his counsels, and obtained securities for the religion and liberties of England. The hazard of the enterprise, and most hazardous it truly was, was to have been his, the profit and advantage our own. I do not know that William absolutely expected to place himself on the throne; because he could hardly anticipate that James would so precipitately abandon a kingdom wherein he was acknowledged and had still many adherents. But undoubtedly he must, in consistency with his magnanimous designs, have determined to place England in its natural position, as a party in the great alliance against the power of Louis XIV. To this one object of securing the liberties of Europe, and chiefly of his own country, the whole of his heroic life was directed with undeviating, undisheartened firmness. He had in view the time, probably not distant, when the entire succession of the Spanish monarchy would be claimed by that insatiable prince, whose renunciation at the treaty of the Pyrenees was already maintained to be invalid. Against the present aggressions and future schemes of this neighbour the league of Augsburg had just been concluded. England, a free, a Protestant, a maritime kingdom, would, in her natural position, as a rival of France, and deeply concerned in the independence of the Netherlands, become a leading member of this confederacy. But the sinister attachments of the house of Stuart had long diverted her from her true interests, and rendered her councils disgracefully and treacherously subservient to those of Louis. It was therefore the main object of the prince of Orange to strengthen the alliance by the vigorous co-operation of this kingdom; and with no other view the emperor, and even the pope, had abetted his undertaking."*

That this policy favoured the personal aggrandisement of William did not of necessity detract from its magnanimity; but, inasmuch as it was a course to which James, with his present fixed principles and

* Hallam, iii. 118, 119. "It was in March, 1688, that I settled at Utrecht, and, with regard to the public, I found things in that country come to a plain crisis. Their leading men were generally satisfied that there was no saving the United Provinces from ruin, keeping the Protestant interest from sinking, or hindering the French power from swallowing up all, but a revolution in England. The Dutch were generally inclined to assist the prince of Orange with their forces, and enable him to make head against king James, and relieve the English, who now cried to him for help, as the Dutch did to queen Elizabeth a hundred years before."—*Calamy's Historical Account*, i. 147.

habits, would be sure to feel the deepest repugnance to the end of his days, the nation was shut up to its choice, either to retain a king, shorn of all the most favoured attributes of sovereignty, and loathing his denuded state; or to create one, who should be called to the due exercise of his high functions, on the ground of a visible and solemn compact, emanating from the public will, and designed for the public benefit. As the crisis approached, the better choice was made—made, it is admitted, in some instances, by men of very moderate pretension to virtue of any sort, but men who were moved in their course, along with many better natures, by the propulsive influence of that popular intelligence and feeling which had descended as a noble inheritance from the contests of other days.

GENERAL INDEX.

- ABBOT*, Archbishop, his advice to Villiers, 94; complained of by Clarendon, 121
Abhorrrers and petitioners—their origin, 761; proceedings against them, 767
Accession of James I., the result of popular feeling, 1; particulars respecting it, 7
Agitators, their appearance in the parliamentary army, 437
Aix-la-Chapelle, treaty of, 642
Ambassadors, on the accession of James I., 10, 11
America, intended emigration thither, 275; checked by the government, *ib.*
Anglican Church, its character and state under Elizabeth described, 120, *note*
Appendix—James I., 167—203
Archbishop of York's letter concerning the Puritans, 42, 43
Architecture, its state in England during the reign of James I., 201
Argyle, earl of, origin and progress of the insurrection under him, 836, 837; its failure, execution of the earl, 841, 842
Arlington, lord, impeached, 673
Armstrong, Sir Thomas, his trial and execution, 824
Army; its complaints in 1647; its first advance towards the capital, *ib.*; disputes between it and the parliament, 435—439; seizes the King, 440; advances towards the City, 441—447; proposals of the army rejected by the King, 445—448; his intrigues against the army, 449; its hostility to him, 454; its strength under Cromwell, 564; disbanded at the Restoration, 585; increase of it opposed in the parliament under James II., 870; disaffection in it, 907
Arrest, members claim exemption from, 31
Articles, the nineteen submitted to the King in 1642, 357
Arts, their state in England during the reign of James I., 201; previous to the Restoration, 565
Arundel, Earl of, injudicious conduct of Charles I. towards him, 218
Assembly, General, in Scotland; meets at Glasgow in 1658, 303, 306
Assembly of divines at Westminster, 408—412
Astley, Sir Jacob, his character, 397
Aylmer, Bishop of London, his work quoted, 182

BACON, Sir Francis, the advocate of royal prerogative, 77; "on the pacification of the Church," quoted, 117, *note*; and again, 119, 120, and *note*; the rival of Coke, 131; their altercation in the Court of Exchequer, 132; both candidates for the chancellorship, which is given to Bacon, and on what grounds, 133; fall and character of Bacon, 136, 137; effect of his labours, 202, 203
Baillie of Iarviswood, his sufferings and death, 826
Balmerino, Lord, harshly treated, 295
Bancroft, his conduct at Hampton Court, 25; becomes primate, 105; effect of his severities against the Puritans, 115
Basilicon Doron, work under that title published by James I., 5, 6, 34, 35;

- Benefices* and tithes in Scotland—reclaimed by Charles, 291; *Titulars*, 392
- Benevolences*, mode of raising money under that name, 168; money thus obtained by James I., 73, 133, 137, 225, 227
- Berwick*, the pacification of, an imperfect treaty, 306
- Biddle*, John, the father of Unitarianism in England, 541
- Bishop of St. David's* (Dr. Rudd), his enlightened sentiments, 41
- Bishops* prosecuted by parliament, 319; the severe proceedings against them, 893—905
- Bristol*, Earl of, his character, 400
- Brownists*, their origin, tenets, sufferings, and connexion with the Independents of the next reign, 124—131
- Buckingham*, George Villiers, Duke of, his rise, 91, 92, 94, 95; his conduct towards the Earls of Dorset and Southampton, 144, 145; his concern in the Spanish match, 153—161; impeached by the Commons, 221; created Chancellor of the University of Oxford, 222; his failure at Rochelle, 231; he is assassinated, 239; his character, 241
- CABAL* ministry, 643, 644, 653
- Calvinism*, when discountenanced by James I., 123; doctrinal Puritans, their rise, *ib.*
- Calvinistic* tenets, not to be discussed, 282
- Cambridge*, attack of James II. upon it, 883
- Canons* of the Church of England, 40—42; the book of, in Scotland (1636), 297
- Capuchin* friars, in Somerset House, the residence of Henrietta
- Cartwright* (Dean), his sycophancy, how rewarded, 831
- Catharine's* (St.) church consecrated—ceremonies used there by Laud, 279
- Catholics*, Irish, their state in the reign of James I., 104
- Catholics*, English, their expectation on the accession of James I., 3; their condition at that period, 46, 47; gunpowder conspiracy, 49—58; penal laws made more severe; justice of this policy considered, 60—62; their condition in 1610, 109; tendencies of the Court Clergy towards their doctrines, 284—288; their state at the Restoration, 598—602; endeavours of James II. to make converts, 877
- Cavalier* and Roundhead—the terms explained, 953, *note*
- Cecil*, Sir Robert (Earl of Salisbury), his intrigues with James before the decease of Elizabeth; his difficulties and arbitrary conduct as minister of James I., 72, 73; sinks under the pressure of labour and anxiety in 1615, 79, 80
- Ceremonies*, dispute concerning the power to decree them, 246, 247; concerning their enforcement, 277, 278; those observed by Laud at the consecration of St. Catharine's Church, 279, 280
- Charles I.*, impressions concerning him at the time of his accession, 204, 205; his imprudent conduct previous to assembling his second parliament, 217—220; nature of the dispute between him and the commons, 223; anxious to put an end to a free government, 232, 233; his menacing language to his third parliament, 233; his perplexity and duplicity with regard to the Petition of Right, 235—237, 247; sanction given by him to the doctrines of Montague and Manwaring, 210, 243—245; proclamation issued by him on dissolving his third parliament, 252; his severity towards Sir John Eliot, 293—298; specimen of the treachery which generally marked his foreign policy, 259, and *note*; his cabinet in 1630, 259, 260; his arbitrary government from 1630 to 1641; 260—284; his arbitrary conduct in Scotland, 293—299; his concessions made too late, 303; convenes a parliament in 1639; suddenly dissolves it, 309—311; consents to the death of Strafford, 340; his visit to Scotland, 345; entertained by the citizens on his return, 348; attempts to seize the Five Members, 351, 352; triumph of his opponents, 353; he attempts to seize Hull, 356; his letters seized at Naseby made public, 416; his commission to the Earl of Glamorgan, 419—423; he escapes from Oxford, and surrenders himself to the Scots, 423, 424; his conduct at this juncture, 426; disputes with Henderson concerning episcopacy, 427; rejects the propositions urged upon him by the Scots, 428; and those proposed by the army, 445—448; intrigues against that body, 449; escapes from Hampton Court, 453, 454; rejects the Four Bills tendered to him by the parliament, 456; is conducted from Hurst Castle, tried, condemned, and executed,—his character, 462—472

- Charles II.*, landing in Scotland, 478; his escape after the battle of Worcester, 483, 484; language addressed to him by the convention parliament, 571; his character, 572—574; members of his council, 575; his declaration concerning liberty of conscience, 541; and the dispensing power, 589, 600; his secret treaty with Louis XIV., obtains money from him, 677; forms a new secret treaty, 690; his perplexities in 1677, 694—696; conference with the Prince of Orange concerning the war, 698; his vacillation, 699; distrusted by the parliament, 701; his illness, great alarm occasioned by it, 754; Commons refuse him supplies, 771; dissolves parliament, 775; convenes and dissolves the parliament at Oxford, 766—782; his declaration published on that occasion, 783; not content with his increase of power, 827; his illness and death, 828
- Charter-house*, attack of James II. upon it, 831
- Charters*, City, plan for seizing them, 795; that of London seized, 804; seizures of them by James II., 891
- Chillingworth*, his writings, 288
- Church and State*, their relation to each other according to the English constitution, 37—39, 42, 111—115; attack on the Established Church in 1640, 325; strong feeling in its favour at the Restoration, 598, 599; bills for its security in 1677, 692
- , the, as defined by the Independents, 326
- government—the Presbyterian form established, 430; intolerance, 432
- Civil war*—state of England a little previous to it, 288; preparations for it in Scotland, 304; condition of the kingdom in prospect of it, 304—306; its justice considered, 364—368; divided state of the kingdom in relation to it, 369, 370; its connexion with religion, 371; general excitement occasioned by it, 378; Parliament forms a treaty with the Scots, 382; Charles obtains assistance from Ireland—disunion among Royalists and Parliamentarians, 394; depressed state of the Royalists after the battle of Naseby, 415
- Civilians*, disputes between them and the common lawyers, 74; Dr. Cowell's publication, 75
- Clarendon* (Earl), his account of the three first parliaments under Charles I., 251; his partial account of the King's measures, 290; he describes the character of his friend Falkland, 380; his history, 570; his adjustments of property at the Restoration, 583; his unpopularity, 635; his fall, 636; leaves the kingdom, 638
- Clergy*, their fears on the accession of James I., 4, 5; their part in the Hampton Court conference, 22—26; their inclination to the church of Rome previous to the civil war, 284—288; hostility to the common law, 281; proceedings against scandalous clergy, 318; ejected—their conduct (1662), 596; are required to read the "*indulgence*" from the pulpit, 895; petition of the bishops, 896; prosecuted by the Long Parliament, 318—320
- "*Closetings*"—proceedings of James I. so designated, 835
- Coffee-houses*, shut up by order of the government, 691
- Coke*, Sir Edward, his conduct on Raleigh's trial, 17, 18; the rival of Bacon, 131; their altercation in the Court of Exchequer, 132; both candidates for the chancellorship, which is given to Bacon, and why, 133; his dispute with the sovereign, (1615), 135; he is suspended from his office as Chief Justice (1610), 136; is admitted to a place in the Privy-Council, *ib.*; his patriotism, 146; he is prosecuted, 148
- Coleman's* letters, 712, 713
- Colepeper*, Sir John, his character, 398
- College*, proceedings against him, &c., 791
- Commerce*, its state in England during the reign of James I., 185—187; during the reign of Charles I., and under the commonwealth, 564
- Common-law*, hostility of the court clergy to it, 281
- Commonwealth*, established, 473; disaffection of the Presbyterians to the government, 487; state of religion under the commonwealth, 489; its negotiation with foreign powers, 492—494; hostilities with the Dutch, 494—497
- Communion Table*, disputes respecting its place (1633), 278; the canon respecting it quoted, 279, *note*
- Compton* (Bishop), his speech in the Lords, 873; excluded from the council, 874; is suspended, 877
- Conspiracy*, gunpowder, treated of, 49—57

- Constitution*, English—its freedom as declared by the commons on the accession of James I., 28, 29; as argued in that assembly in, 1610, 74—78; and in 1621, 141—152; as attested by its general history previous to 1603, 167—171, 182—185; non-resisting test of 1675 resisted, 684—689
- Conventicle Act*, 602
- Convention*, houses of, their intolerant proceedings on the accession of James I., 27—41; at the Restoration, 594, 595
- Convocation*, the houses of—their policy, 37; how composed, *ib.*; James attempts to augment its power, 40
- Cooper*, Sir Astley (Earl of Shaftesbury), 576, 577
- Cornish*, his trial and execution, 863
- Corporation Act*, 591
- Coventry*, Sir John, assault upon him, 655
- Council* formed on the accession of James I., 9
- Council of Peers at York*, in 1639, 313
- Country party*, its complexion in 1673, 667; intrigues of Louis XIV. extend to it, 707; take up the popish plot, 714
- Court of High Commission*—attack upon it in 1610; its origin and constitution, 111—114, 180, 181; its prosecution of Bernard, Smart, Sherfield, and others, 273—275, 280; abolished by the Long Parliament, 324; instituted by James II., 876
- Court of Star Chamber*, its history and character, 171—180; its proceedings against Leighton, Prynne, Bastwick and Burton, 268—271; Case of Bishop Williams, 272; court abolished by the Long Parliament, 324
- Court of Chancery*—dispute between Sir Edward Coke and James I. as to its powers, 134
- Court of King's Bench*—dispute between Sir Edward Coke and James I. relating to proceedings in it, 135, 136
- Court*, English—its manners during the reign of James I., 188—193; improved on the accession of Charles I., 205; its profligacy under Charles II., 610, 611; changes in it in 1683, 803
- Covenant*, sworn to in Scotland (1638), 301
- Covenanters*, had no just notion of religious liberty, 325, 326; Baillie, their commissioner, 327; their conference with the Duke of Monmouth at Bothwell Bridge, 748; their great sufferings, 604, 609—730—742, 747
- Cowley*, the poet, 567
- Cranmer*—his homily on “civil obedience,” 889
- Cromwell*, his part in the battle of Marston Moor, 389; his dissatisfaction with the manner of conducting the war to that time—intrigues against him—his favour with the Independents—the self-denying ordinance 389—392; his part in the battle of Naseby, 393; his wish to come to terms with the King, 451—455; suppresses the meeting at Ware, 452; his expedition to Ireland, 477, 478—to Scotland, 479, 480; battle of Dunbar, 480, 481; his conduct after the battle of Worcester, 498, 499; his conduct towards the “Rump” Parliament considered, 500—505; assembles the “Little Parliament,” 506; becomes Lord Protector, 509; his second parliament hostile to him, and dissolved, 510—512; his third parliament—he is urged to take the title of King, but declines it, 514—518; dissolves the parliament—his conduct considered, 521—525; his foreign policy, 525—530; he meditates a fourth parliament—his illness, death, and character, 542—549
- Cromwell*, Richard and Henry, 549—553
- DALRYMPLE'S* memorials quoted, 505, *note*.
- Danby*, earl of, his administration, 668; his impeachment, 683; takes up the popish plot, 709; his fall, 724
- Declaration*, disingenuously made by Charles I. and the peers at York in 1642, 361, 362; of Charles II. in 1660, 589; of indulgence, opposed by parliament, 664; one issued by Charles in 1681, and by the exclusionists in reply, 783—786; concerning the Rye-house plot, 815; of James II. on his accession, 829
- Denham*, the poet, 567
- Digby*, Lord, his character, 397

- Directory*, new, of worship appointed, 412
- Dispensing power*—its origin, how checked by the English constitution, 181—185; declaration of Charles II. concerning it, 600; James II. obtains the opinion of the Judges concerning it, 875
- "*Dissenters*," Peirce's "Vindication of" cited, 41, *note*
- Doctrine of infallibility*, 287
- Dunkirk*, sale of, 612
- ECCLESIASTICAL* affairs—the civil power prevails over them, 408; assembly of divines at Westminster, how constituted, 409; the Erastians, *ib.*; the Presbyterians, 410; the Independents, *ib.*; at the Restoration, 586; policy of the court, *ib.*; negotiations between the Presbyterians and the bishops, 589
- Edgehill*, battle of, favourable to the Royalists, 374
- Edinburgh*, Cromwell there, 458; his return, 463; Monmouth's conference with the Covenanters, 748
- Elections*, right to judge of, contested; secured by the commons, 29, 30; dictation of James I. to the people on that subject, 27; interfered with in 1614 by persons known by the name of "Undertakers," 88; great excitement at the elections in 1626; 225—233; commons claim the right to issue writs of, 664
- Elector Palatine*, his disasters, how viewed by James, 137—141, 163, 221
- Elliot*, Sir John, one of the managers in prosecuting the impeachment of the duke of Buckingham, 222; his speech concerning the power to decree rites and ceremonies, 246, 247; his spirited conduct in the house of commons on the 2nd of March, 1629, 248, 249; his imprisonment and death, 253—258
- Elizabeth*, queen, her will in favour of the succession of James I., 2; her courtiers' intrigue with James before her death, 6, 7; her theory as to the relation of the civil and ecclesiastical states, 38; state of the Anglican church under her, 120, *notes*; her conduct with regard to loans and benevolences, 199
- Elizabeth*, the princess, her marriage with the elector palatine, 811
- Elliot*, the apostle of the Indians, 275
- England*—its general state (from 1629 to 1640), 288—290; state of parties in it at the commencement of the Civil War, 288, 304—306; and a little before the death of Charles I., 459; its maritime power during the Protectorate, 530; state of popular feeling produced by the Rye-house conspiracy, 826
- English freeholder*—his rights invaded, 263
- English* dispersed by the Scots at Newburn, 313; change in their character, 497; policy of the court in relation to Scotland, 738; their general affairs, 746
- Episcopacy*—petitions against it, 325—327; Charles adheres to it, 425; he disputes with Henderson, a Scotch divine, 427; he rejects the propositions of the Presbyterians, 428; bishops re-established, 586
- Episcopalian*s—sufferings of the clergy after the commencement of the civil war, 412, 413
- Erastians*, the, noticed, 409; Whitelocke, Selden, *ib.*
- Essex*, the countess of, see "Somerset"
- Essex*, earl of, his character, 403; the army under him in the west capitulates, 387; jealousy between him and Waller, *ib.*
- Europe*—its state on the accession of James I., 11—13; its condition greatly influenced the policy of the Stuart princes, *ib.*
- "*Eventual*" Treaty, the, explained.
- Exclusion Bill*, 727—730, 769—771, 780, 781; reply of the Exclusionists to the declaration issued by the king after dissolving the Oxford parliament, 784
- FALKLAND*, his death and character, 380—382
- Fast*, the commons' address for one in 1673, 670—674
- Favouritism*—falling of James I., 70; his extravagant gifts to favourites, 72
- Fecamp*, in France—Charles escapes thither, 484
- Feudal burdens*—their proposed abolition, 77
- Fifth-monarchy* men, 540; Venner, *ib.*

Fines, heavy, imposed in the west, 866

Fire in London, 631—636

Fitzharris, his case, 777, 778; trial 787, 788

Fox, the Quaker—some notice of him; 536

Fox, C. J., opinion on the proceedings in the case of lord Russell, 813, *note*.

Forest Laws, the, revived.

Fuller, Nicholas, a benchor of Gray's Inn, his noble conduct in opposition to the Court of High Commission, 111

GAUNT, Mrs.—her arrest, trial, and execution, 864, 865

Glamorgan, earl of, his commission from Charles I., 419—423

Godfrey, Sir Edmundbury—see "popish plot"

Germany—its protestantism menaced, 226

Godolphin, lord, his character, 760

Gondomar, the Spanish ambassador—his character, 97; demands the death of Raleigh as a peace-offering to Spain, 100

Guildhall—Charles I. is entertained by the citizens of London there, 348

Gunpowder-plot, 56—58

HABEAS CORPUS Act passed, 730

Halifax, earl of, leaves the court, 758; address of the commons against him, 771

Hamilton, marquis of, deputed to make concessions to the Scotch, 301; advises Charles to make war, 302

Hampden, John, resists the demand of ship-money, 266; the question argued before the judges, 267; his death and character, 377, 378

Hampden, the grandson of the former—a ruinous fine imposed upon him, 823; tried again, 865

Hampton Court, the conference at, 22—25; its effect described, 26

Harrington, his "Oceana," 569

Harvey, his discovery concerning the circulation of the blood, 571

Henrietta, her marriage with Charles I. negotiated, 163, 209; dispute with respect to her attendants, 215; her conduct in regard to public affairs, 357, 359—361; letters of the king to her published in 1645, 416, 417

Henry, prince, his death and character, 83, 84

Heresy, in two instances punished with death in the reign of James I., 121

Hertford, marquis of, his character, 399

High Commission Court treated of, 180; most tyrannical under Charles I., 181, *note*; prosecutions, 273—275

Hooker's "Ecclesiastical Polity," quoted, 183, and *note*.

Holland, earl of, his character, 404, 405

Honours—profuse distribution of them by James I., 10

Howard, lord, his evidence against lord Russell, 812

Howard, sir Ralph, 397

Hobbes, the philosopher, 569

Hull—Charles attempts to seize its magazine, 356

Hume, his apology for the cruelty of Charles I. toward Eliot and misrepresentations of the patriots, 254—258, and *note*; his account of the character of the puritans examined, 276, *note*; his account of the petitions presented to the long parliament examined, 358

Hyde, Lawrence (earl of Rochester), his character

IMPEACHMENT of Mompeson and Mitchell, 143; of Middlesex, 162, 163; of Buckingham, 221; Strafford, 320, 321; Laud, 321; Windebanke and Finch, 322; the bishops, 350; the five members, 351; nine royalist peers in 1642, 363; of the queen, 375; of Clarendon, 637; Arlington, 675; Lauderdale, 674, 675, 683; Danby, 683; 719; Seymour, 772

Impositions, the question considered, 145

"*Incident*," the plot known by that name in Scotland, 346

Indemnity, bill of, at the restoration, 538

Independents, the advocates of equal liberty, in 1640, 326—328; power in the army 389; some of their ministers have a place in the assembly of divines, their character, 410—412; comparative strength of the Independents and Presbyterians after the surrender of the king, 430—434; meeting of the Independents at the Savoy, 542; their condition at the restoration, 597

Indulgence, declaration of, 589—664

Infallibility, the doctrine of, 287

Inigo Jones, 201

Insurgents—military executions; 854; by Feversham, by Colonel Kirke, 855; commission of the judges, 856; trial of Mrs. Lisle, who is unjustly condemned, 859; effect of the king's success against them on his policy, 808

Ireland—policy of James I. toward it—state of the catholics, and plantation of Ulster, 103—106; massacre of the protestants in 1641, 345, 346; Charles obtains assistance from Ireland in 1644, 385; commission of the Earl of Glamorgan, 419—423; state to which it was reduced by Cromwell, 490, 491; proceedings there after the restoration, 609, 742—745

"*Intercommuning*," letters of, 738

James I.—his claim to the English throne considered; his accession regarded with apprehension by all parties,—his correspondence with the courtiers of Elizabeth before her decease, 6, 7; his Basilicon Doron and extravagant notions of kingly power, *ib.*; joy on his accession, 7, 8; his progress and indiscretion, 8, 9; parties in his court, *note, ib.*; his dictation to the people with regard to elections, 27; his dissatisfaction with the first parliament, *note*, 32; his hatred of the Puritans, 34, 35; report of his being assassinated, 64; his conduct unfavourable to an indulgence of his arbitrary temper, his favouritism, 69—72; his dispute with Vorstius, 81, 82; his conduct towards Somerset, 84—87, 91, 92; his arbitrary proceedings toward the parliament of 1614, 89—91; his plantation of Ulster, 105; his duplicity in the matter of the Spanish match, 160; his character, 164—167

JAMES, duke of York, 641, 660—663; excluded from office by the test act, 668; projects relating to his succession to the throne, 678, 679,—727—730; his return to England, 755; is prosecuted as a recusant, 765; leaves the kingdom, 766.

James II., his declaration published on his accession, 829; collects the revenue without consent of parliament, 830; obtains pecuniary aid from Louis, his designs, 833; penal laws concerning religion partially suspended, *ib.*; his letter to the Scotch parliament, 834, 835; its tyrannical proceedings, 835; approves and encourages the cruelties of Jefferies, 861—863; effect of the king's successes on his policy, 868; dismisses Halifax, *ib.*; his declaration concerning the test-laws, 869; the commons petition for their enforcement and against the increase of the army, 870, 871; James obtains the opinion of the judges concerning the dispensing power, 875; his difficulties increased, 892; his proceedings against the bishops, 895—905; his conciliatory measures after the landing of William, 914; his flight and arrival in France, 916, 917

Jefferies, George, made lord chief justice, 816; his conduct toward Richard Baxter, 833, 834, *note*; his proceedings in the west, 860; case of Mrs. Lisle, 856; of Mrs. Gaunt, 864; severities approved and encouraged by the king, 861, 862

Judges, the, give James I. unconstitutional aid, 41; hear the arguments for the liberty of the subject, 228; their decision unconstitutional, 229; their opinion concerning dispensing power in the reign of James II., 874, 875; their commission in the west, 856; their opinion with regard to the six bishops, 904

Justice, historical view of its administration, 173—176

"*KING* (the) can do no wrong," maxim explained, 329

Knighthood, made compulsory by Charles I., 260

LAUD, his rise, and the aim of his party among the clergy, 245, 246; he causes the dispute concerning the power to decree rites and ceremonies, 246; charges against

him, 248 ; he advocates uniformity, 277 ; disputes as to religious ceremonies, 278 ; consecrates St. Catharine's church, 279 ; approves of images in churches, 280 ; opposed to puritan lecturers, 285 ; his Arminianism, *ib.* ; his treatment of the Archbishop of Glasgow, 223 ; is accused of high treason, 321 ; his trial and execution, 413

Lauderdale, duke of, impeached, 674 ; his rigour in Scotland, 731—742

Lawyers, common, their disputes with the civilians, 74

Leicester, earl of, his character, 400

Levellers, their appearance in the army, 450

Liberty of the subject, 176 ; argued before the judges, 228—230

Liberty of conscience, declaration of James II. concerning it, 888

Liburne, John, his character, 476, 484—486

Lisle Mrs., her arrest, trial, and execution, 856—860

Literature, its state in England during the reign of James I., 198—201 ; at the restoration, 565—570

Liturgy in Scotland, (1637), disturbance occasioned by the reading of it at Edinburgh, 299

Loans and privy seals, 73, 133, 137, 225, 227—229, 232

London, its state during the reign of James I., 187, 188, 193 ; the king is entertained by the citizens, 348 ; submits to the army, 442 ; excitement, 444, general Monk's arrival, 556 ; he declares in its favour, 557 ; the fire of, its origin, &c., 631 ; plague—its cause, extent, &c., 625 ; plan for seizing the charters, 795 ; election of its mayor, 793 ; struggle at the election of the sheriffs, 798 ; mayor of, forced on the city by the court, 802 ; its charter seized, 804 ; power of the crown there, 816

Love, a presbyterian minister, executed, 488

MAJOR-GENERALS, their institution and tyranny, 522.

Manners—of the English court, of the city, and in the country, during the reign of James I., 188—198

Manwaring, Dr., his sermon on " religion and allegiance," 244 ; his prosecution, 245

Manchester, earl of, his character, 405, 577

Marston-Moor, the battle of, 387

Mass—James II. goes to it publicly, 830

May, the historian, on the feelings of different parties in England in 1639, 288

Mayor elected by influence of the court, 802

Mazarin and Charles parties to a plot to assassinate Cromwell, 528

Meal-tub plot, the, described, 757

Militia, command of it claimed by the Long Parliament, 354 ; dispute on that subject in 1678, 718

Military executions in the west after the defeat of Monmouth, 854—856

Milton, the poet, notice of him, 568

Monk, General, arrives in London, 556 ; declares in its favour, 557 ; his duplicity, 559 ; effects the restoration, 560

Monmouth, duke of, sent to quell the insurrection in Scotland, 747 ; his sudden disgrace at court, 755 ; his return to England, 761 ; his progress, 764 ; his arrest, 802 ; Charles reconciled to him, 826 ; his invasion, 844 ; his declaration, 845 ; his movements, 846 ; proclaims himself king, 847 ; retreats from Keynsham, 848 ; defeated at Sedgemoor, his arrest, and execution, 851—854

Monopolies—the question of, discussed, 142 ; impeachment of Mompesson and Mitchell, 143 ; the abuse of them by Charles I. 262

Montesquieu, his judgment cited, 2, *note*, and 288

Muggletonians, a sect in the time of the commonwealth, 539

NANTES, revocation of the edict of, 886 ; those persecutions, how felt by protestants in England, 887

Naturalization, a law on that subject in 1607, 68

- Nayler, J.*, an enthusiast, 538
- Negotiations* at Colnebrook, 374 ; at Oxford, 375, between the English parliament and the Scots in 1644, 382—384
- Newcastle*, earl of, his character, 400
- Neuport*—treaty signed there, 460, 461
- Nimeguen*, peace of, 460, 461, 704, 705
- Nonconformists*, their expectations and treatment at the restoration, 581—590, 593—595, 650—653 ; bill for their relief in 1673, its fate, 666 ; excluded from juries, 793 ; persecution of them, 796 ; appeals made to them by James II., 889—907
- Non-resisting test*, debate concerning it in 1675, 684—689.
- Northumberland*, earl of, his character, 402
- Nottingham*—the king's standard raised there, 364
- ON SLOW** (Speaker), his character of Charles II., 574, *note*
- Orange*, prince of, his marriage with the princess Mary proposed, 680 ; comes to England, 696 ; marries the princess, 698 ; conference with Charles, 669 ; the prince's connexion with English affairs, 908 ; puts to sea and lands at Torbay, 913 ; his declaration, 914 ; his elevation to the throne, 919
- Ormond*, duke of, 744, 745
- Oxford*—attack upon it by James II., 883
- PANZANI**, an emissary from Rome to England, 286
- Palatinate*—the war for its recovery fails, 163
- Parliament*—proceedings of the first assembled after the accession of James I., 27—31 ; meeting after the gunpowder conspiracy ; 58 ; session of in 1607 ; complaint of grievances ; failure of the project for a union with Scotland, 63—68 ; important proceedings of the session in 1610, 73—78 ; James assembles his second parliament, difficulties of the government, debate resumed on the question of impositions, parliament dissolved in displeasure, and members imprisoned by the royal authority 88—91 ; persons interfering with elections known at this time by the name of "Undertakers," *ib.* ; parliament of 1621—discussion concerning the imprisonment of members and monopolies—impeachment of Mompesson and Mitchell ; the question of impositions debated, great excitement—passionate disputes between the commons and the king, parliament dissolved, members imprisoned, 141—152 ; parliament, its power in regard to taxation, 168—170 ; its legislative power, 171, 172 ; its freedom of debate invaded by the Tudors, 172 ; the state of parties in the first assembled under Charles I., 206—209 ; its cautious proceedings, it is dissolved, its conduct considered, 210—215 ; second parliament abruptly dissolved—nature of the dispute between Charles and the commons, 223—225 ; third parliament, menacing tone of the king, petition of right—duplicity of the king with respect to it—perseverance of the commons, it is passed, 235—239, 247 ; third parliament dissolved, conduct of the commons toward the king considered, 250, 251 ; members imprisoned, 253 ; resolution to call a parliament in England in 1639, 307 ; its proceedings, it is dissolved, 309—311 ; meeting of the long parliament, 314 ; speeches, 315—317 ; impeachments ; release of Prynne, Bastwick, and Burton ; important measures adopted by the commons, 317—324 ; review of these proceedings, 328—332 ; schism among the leaders of the long parliament after the death of Strafford, 348 ; the remonstrance, 349, 350 ; impeachment of the bishops and of the five members, 350, 351 ; triumph of the popular party, 353 ; Oxford parliament assembled, 386 ; imprudence of the presbyterian party in their treatment of the army, 435—439 ; the parliament subdued by the military, 463 ; character of the "rump" in 1653, 500 ; Cromwell's conduct toward it considered, 500—505 ; the "little parliament," 506—509 ; Cromwell's second parliament, 511—512 ; his third parliament, 514 ; he is urged to assume the title of king, but declines it, 516—518 ; dissolves the parliament, 520 ; governs by a council of state—its power questioned, 522—525 ; long parliament recalled in 1639, 553 ; prevented by the military from assembling, 554 ; recalled, 556, 558 ; the convention parliament, 559 ; the commons claim to inspect the public expenditure, 613 ; its intolerance, 602, 603, 645 ; the commons resist the lords altering a money-bill, 656 ; claim the right of issuing writs for all new elections, 664 ; strength of the opposition in the commons in 1675, 680 ; debate concerning the non-resisting test in 1675, 684—689 ; takes up the popish plot, 715 ; Charles dissolves his long parliament, its character, 720 ; new parliament,

- 722 ; takes up the questions of the former, 723 ; dissolved, 753 ; petition of seventeen peers for a meeting of, 761 ; assembled, 1680 ; its proceedings considered, 766—769 ; prorogued and dissolved, 775 ; meeting of the Oxford parliament, 778 ; its proceedings and dissolution, 778—782 ; parliament assembled by James II.—his speech, its proceedings, 838—841 ; its measure on the invasion of Monmouth, 837
- Parliamentarians* and Royalists compared, 369, 370, 560—564
- Patriots*, name assumed by the popular leaders in the early parliaments of Charles I., 207 ; means employed by the court to corrupt them—apostacy of Wentworth, 241—243
- Peachell*, vice-chancellor of Cambridge—resists the dispensing power, 883
- Pembroke*, earl of, his character, 402
- Penal laws* in regard to religion, 43, 44, 61, 62. Legate and Wightman burnt on the charge of heresy, 121 ; not dispensed with by Charles or James from a spirit of toleration, 208, 209 ; the catholic test-bill in 1678 ; penal laws on the accession of James II., 833
- Pentland Hills*, battle there in 1667, 732
- Petition of Right*, 235—239, 247
- Petitioners* and abhorrrers, origin of the names, 761
- Petitions* against episcopacy, 325, 327 ; encouraged on both sides, 358
- Plague* in London, 625—631
- Plot*, Raleigh's, 14—20 ; the gunpowder, 49—58 ; the " incident," 346 ; Waller's, 3766 popish, 708—718, 721, 722, 725, 751—753 ; the meal-tub, 757 ; Rye-house, 80 ; —816
- Popish plot*, 708 ; Dr. Tonge, 709 ; Titus Oates, 710 ; conduct of the court in relation to the plot, 714, 721, 722, 725 ; trial and execution of five Jesuits, 751
- Portsmouth* besieged, 364
- Portugal*, transactions of the Commonwealth there, 492, 526
- Prelates* and court clergy—their suspicions as to James I., 4
- Prerogative*—maxims of James I. with regard to it, 76
- Presbyterians*—their influence in the assembly of divines at Westminster, 410 ; Presbyterians (Scotch)—their jealousy of the English army after the battle of Naseby, 417, 418 ; their propositions rejected by the king, 428 ; comparative strength of the Presbyterians and Independents after the surrender of the King, 430 ; their intolerance, 432 ; their confidence, 433 ; violence, 436 ; their disaffection under the Commonwealth, 487
- Preston*—defeat of the Scots, 458
- Pride* (colonel), excludes the commons, 463
- Prideaux*, Mr., his heavy fine is presented to the chancellor, 867
- Printing* of the speeches in parliament, 307
- Proclamations*—power given to them inconsistent with the constitution under Elizabeth, 171 ; under James, *ib.*, 263
- Progress*, James's, from Edinburgh to London, 8
- Prosecutions* by the House of Commons, of the bishop of Bristol, 30, 31 ; Dr. Cowell, 755 ; Dr. Montague, 10 ; Dr. Manwaring, 243—245 ; by the Court of Star Chamber, Leighton, Pryune, Bastwick, and Burton, 268—271 ; case of Bishop Williams, 272 ; prosecution of the court clergy by the long parliament, 318—320
- Protestantism*—its state in Europe at the commencement of the 17th century, 12, 13 ; alarm for its security during that period, 208—247 ; how affected by the policy of Richelieu and the fall of Rochelle, 239 ; memorable protest in its favour, in the commons, on the 2d of March, 1627, 249, 250 ; fears with regard to catholic ascendancy previous to the civil war, 284—288
- Protestants*, English—their feelings on the revocation of the edict of Nantes, 887
———, foreign—intolerant meddling with their privileges in England, 276
- Puritans*—their hopes on the accession of James I., 5, 6 ; their petition to him, 20, 21 ; their conference at Hampton Court, 22—26 ; their conduct at that period considered, 35, 36 ; their grievances, 39 ; petition to the convocation, 41 ; their character according to the Archbishop of York, 42 ; they are persecuted by James I., 43, 44 ; sympathy with them, 44 ; nature of the puritan controversy, and its influence on English history, 45, 46 ; the puritan controversy in relation to the

Court of High Commission, 111—115; parties among the puritans during the latter part of the reign of James I., 115—121; book of sports issued by authority, 122; rise of the *doctrinal* puritans, 123; their power in the first parliament under Charles I., 207; opponents of popery, 208; their sufferings under Laud, 273—275 they emigrate to New England, but are checked by the government, 275, 276; their preaching restrained, 282, 283; restoration of silenced ministers by the long parliament, 317, 318

Pym—his death and character, 384, 385

QUAKERS—their origin and principles, 536—538, 597

“*RAID* of Ruthven,” a combination of Scottish nobility so called, 70.

Raleigh, Sir Walter, his plot and trial, 14—20; conduct of James and Somerset towards him, 95, 96; he is released through the influence of the Duke of Buckingham; his voyage to Guiana, failure, arrest, trial, and execution, 95—103

Ranters, a sect in the time of the Commonwealth, 539

Raumer quoted, 166, *note*

Regicides—their fate at the restoration, 579

Republicans—their conspiracy against Cromwell, 513, 514

Revolution of 1688—its character, 919

Richelieu's sagacity, 217

Richmond, duke of, his character, 398, 399

Ripon, treaty of, 314

Rochelle besieged—its fall, 239

Rochester earl, lord treasurer, dismissed, 880

“*Roundhead* and *Cavalier*”—the terms explained, 383, *note*

Rosewell, a dissenting minister, his arrest and trial for sedition, 825

Royalists—their condition at the commencement of the civil war, 369, 370; divisions among them, 394; depressed state after the battle of Naseby, 415; Charles's message for peace, 418; rising of them in 1648—suppressed, 457—460; severities inflicted upon them, 474; conspire with the republicans against Cromwell, 513, 514; conspiracies after his death, 553; royalists and parliamentarians compared, 560—564

Rudd, bishop of St. David's; enlightened sentiments expressed by him in the convocation of, 1604

Rumbold—concerned in the Rye-house conspiracy; his trial and execution, 843, 844

Rupert, prince—his character, 395, 396

Russell, Lord William,—his concern in the Rye-house plot, 807—814

Ruthen, commander-in-chief of the royalists at the beginning of the civil war, 395

Rye-house plot, 806—816

SABBATH—controversy in relation to it, 122, 280, 281

Salisbury, earl of, his character, 404

Savoy declaration, 452; conference, 593

Say, Lord, his character

Science—its state in England during the reign of James I., 202, 203

Scotland, its union with England considered, in 1603, 30; further discussed in the session of 1607, and fails, 66—68; ecclesiastical affairs in Scotland, and slow progress of episcopacy; visit of the king, 107—109; origin of the troubles there, 290—307; its state under the commonwealth, 491, 492; proceedings there after the restoration, 604—609, 730—742; Monmouth sent to quell the insurrection there, 747; prosecution of Argyle, 797; further proceedings there, 826

Scots—prejudice against them, 66—68

Scriptures, sacred, new translation, in the times of James I., 121

Sects—their increase under the commonwealth, 536

Sedley, Catharine, countess of Dorchester—court cabal against her, 874

Shaftesbury, deprived of his office as chancellor, 671; proceedings against him, 789, 794, 795; his flight and death, 803, 804

- Sharp*, archbishop—his assassination and character, 740, 741
- Sherfield*, recorder of Sarum—his case, 280
- Sheriffs*, their election, 788; struggle at the election, 798—801
- Ship-money*—its origin, design of its supporters, and trial relating to it, 264—268; this mode of supply fails, 307
- Sidney*, Algernon—his trial, execution, and character, 817, 823
- Smyrna* fleet, attack upon, 658
- Somerset*, Robert Carr, earl of—his rise, connexion with the countess of Essex, marriage with her, and fall, 84—87, 91, 92
- Southampton*, earl of—his character, 399; his death, 636
- Southey* Dr., his character of Cromwell quoted, 505, *note*
- Spain*—its state at the commencement of the 17th century, 11, 12; Raleigh sacrificed to please the court of, 100, 101; Charles carries on the Spanish war, 205; war more that of Charles than of the people at large, 224; makes peace with England, 259; transactions of the commonwealth there, 493; decline of its power in the Netherlands, 530
- Spanish* match—its origin and history, 152—159
- Sports*, book of, issued by authority, 122
- Star-chamber*, court of, treated of, 177; Wolsey augmented its power, 179; some examples of its proceedings, 268; case of Leighton, *ib.*; of Prynne (1632), 269; of Bastwick, (1635), 270; of Burton, *ib.*; the effects, 271
- State-trials*, see "Impeachment," Sir Walter Raleigh and others, 16—20, 99, 100; gunpowder plot, 56—58; earl of Somerset and countess of Essex, 93, 94; the case of Peacham and Owen, 133, 134; Mompesson and Mitchell, 134, 135; Middlesex, 162; Buckingham, 221; Strafford, 335—339, 341—344; Laud, 413; Holland, Capel, and Hamilton, 474, 475; John Lilburne, 486; Love, 488; the regicides, 579; sir Harry Vane, 582; Lorn, 731; Stafford, 773; Fitzharris, 787, 788; Shaftesbury and College, 789—795; Russell, 807; Sidney, 817; Hampden, 823; Armstrong, 824; Argyle, 842; Ayloff and Rumbold, 843; Mrs. Lisle, 856—860; Mrs. Gaunt, 864, 865
- Strafford*, earl of (sir Thomas Wentworth), his apostacy, 241—243; his impeachment, 320; causes of his unpopularity, 332; his aim, trial, and death, 332—344
- Stuart*, house of—its title to the English throne considered, 1—3; effect of the state of Europe on the policy of the Stuart princes, 13
- Succession*, projects concerning it from 1670, 679, 680, 727—730
- Suffolk*, the house of—its claim to the crown, 1, *note*
- Sunderland*, earl of, his character, 759; professes himself a catholic, 906
- Supplies*—commons claim the right to appropriate them, 615; refused by the commons on the loss of the exclusion bill, 771
- "*TABLES*"—committees so called, 301
- Taxation*—the right and principle of, discussed in parliament, 73—78, 88—91, 141—152; authority of parliament on that subject, 168—170; illegal modes of raising money from 1630; methods of raising money during the civil war, 407, 408; under Cromwell, 524, 564; changes in its mode, 614; money-bills, 656
- Taunton*, Monmouth's reception there, 847
- Temple*, Sir William, 642; his influence in forming the ministry of 1679, 726; end of the council formed by him, 761
- Test Act*, the, 665; resignations caused by it, 668; the catholic test bill, 716; not enforced by James, 869; commons petition the king to enforce it, 871
- Thanksgiving*, public, instituted for the fifth of November, 60
- Theological* disputes of James I., 80; his altercation respecting Vorstius, 81
- Tithes* and benefices reclaimed by Charles in Scotland, 291; titulars, 292
- Tonnage* and poundage voted on the accession of a new sovereign, 31; proceedings as to this imposition, 249
- Treason*, the law of—its great latitude, 338
- "*Triers*," the, instituted, 534; general effect of their labours, 535, 536

Triple league, 642—645

Triumvirate, the ministers so named in 1679—753

ULSTER—its first plantation, 105

"*Undertakers*," persons interfering with elections in 1614, known by that name, 88

Uniformity, act of, 595, 600

Union, the, with Scotland, considered, 30, 66; its difficulties, 66; failure of the project, 68

Universities—English, their conduct on the accession of James I., 21, 22; the doctrine of passive obedience published by the university of Oxford in 1622, 123; their state during the commonwealth, 490; attack of James II. upon them, 881, 883

Usher, archbishop—the king's declaration before him, 377

Uxbridge, treaty conducted there, 414, 415

VANE, sir Harry, his character, trial, and execution, 582, 583

Vaudois—Cromwell's interference in their behalf, 531—533

Venner's insurrection, 592

Villiers, George, his rise, 91; archbishop Abbot's advice to him, 94; his titles, 95; his conduct toward the earl of Dorset and Southampton, 144; his policy, 153; impeached by the commons, 221; his assassination, 239; his character, 241

Vorstius, dispute between him and James I., 81, 82

WALES, prince of, born, 905

Waller, the poet, 568

Waller's plot, 376

War—resolved on with Spain, 161; with France, 230; close of the war with those powers, 259; with Holland in 1665, 616—and in 1672, 659; condition of parties in the war with France in 1673, 677; its progress in 1677, 693; perplexities of Charles in relation to it, 694, 696

Warwick, earl of, his character, 404

Whig and *Tory*, origin of the terms, 763

White, dean, quoted, 194

Whitgift, archbishop, 5

William and *Mary* reign jointly, 919

Williams, bishop—severe treatment of, 272

Willis, sir Richard, his intrigues, 553

Wilmot, lord (lord Rochester), his character, 396

Worcester, battle of, 482; escape of the king, 483

Wren, bishop—his questions, 284

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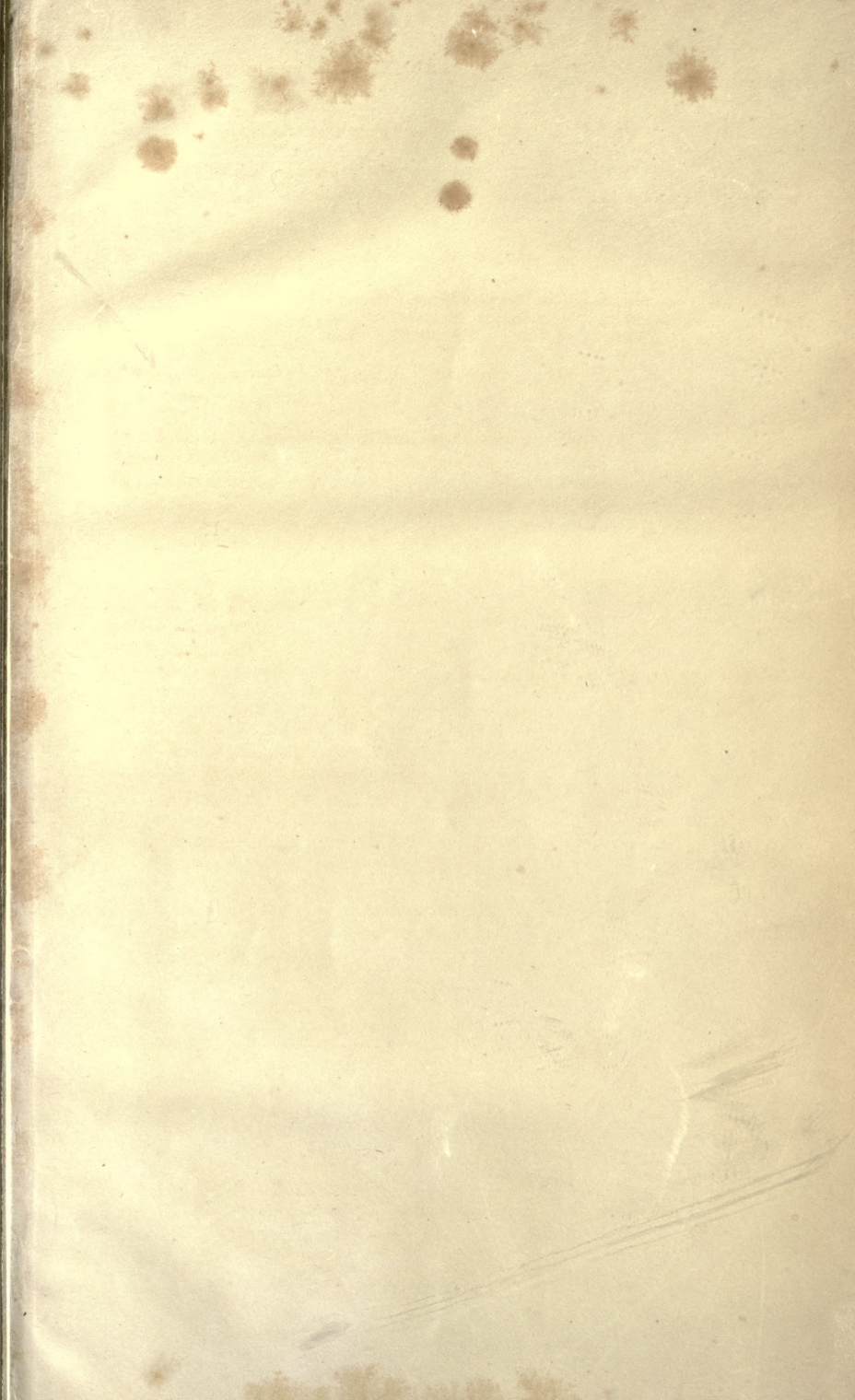
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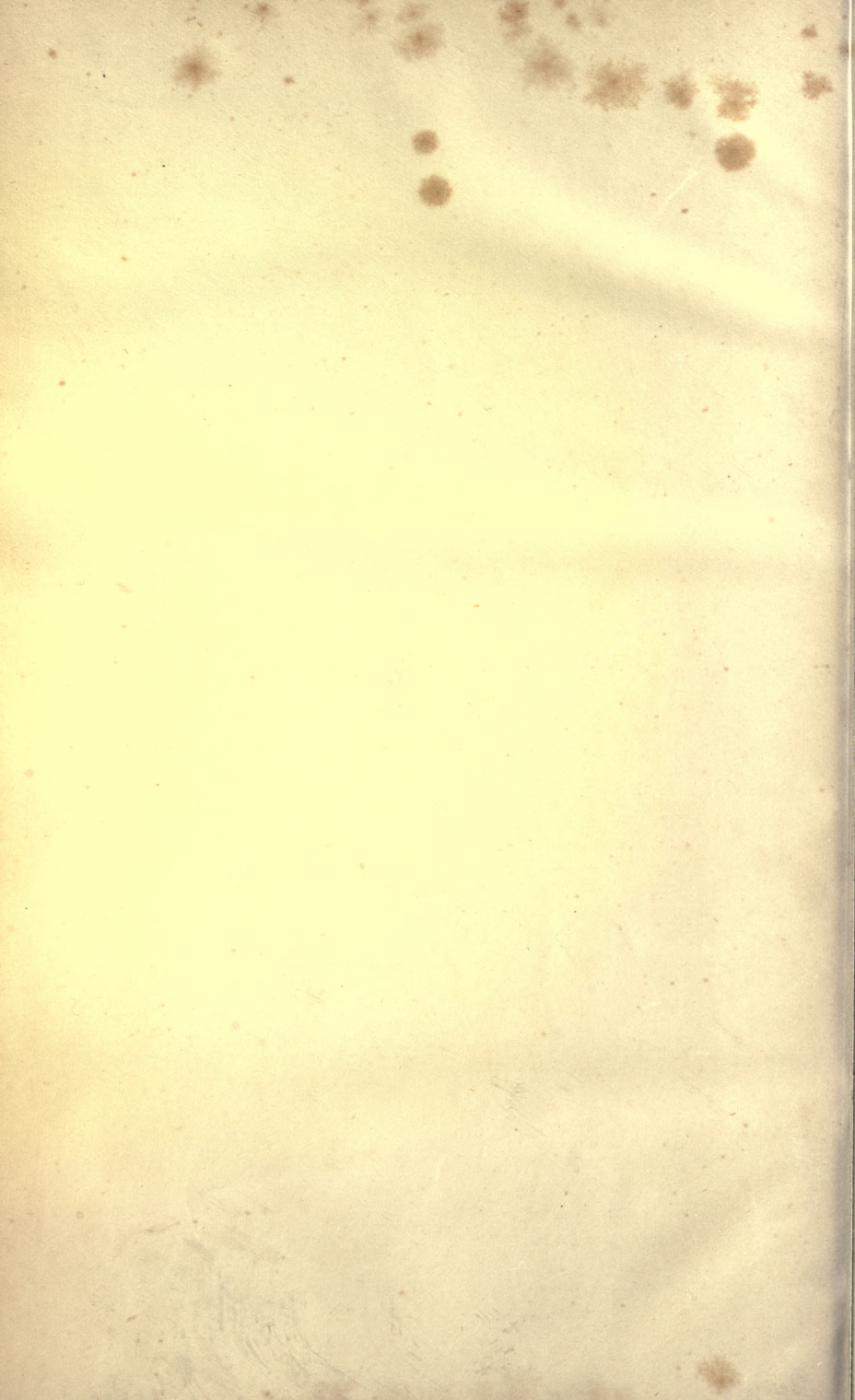
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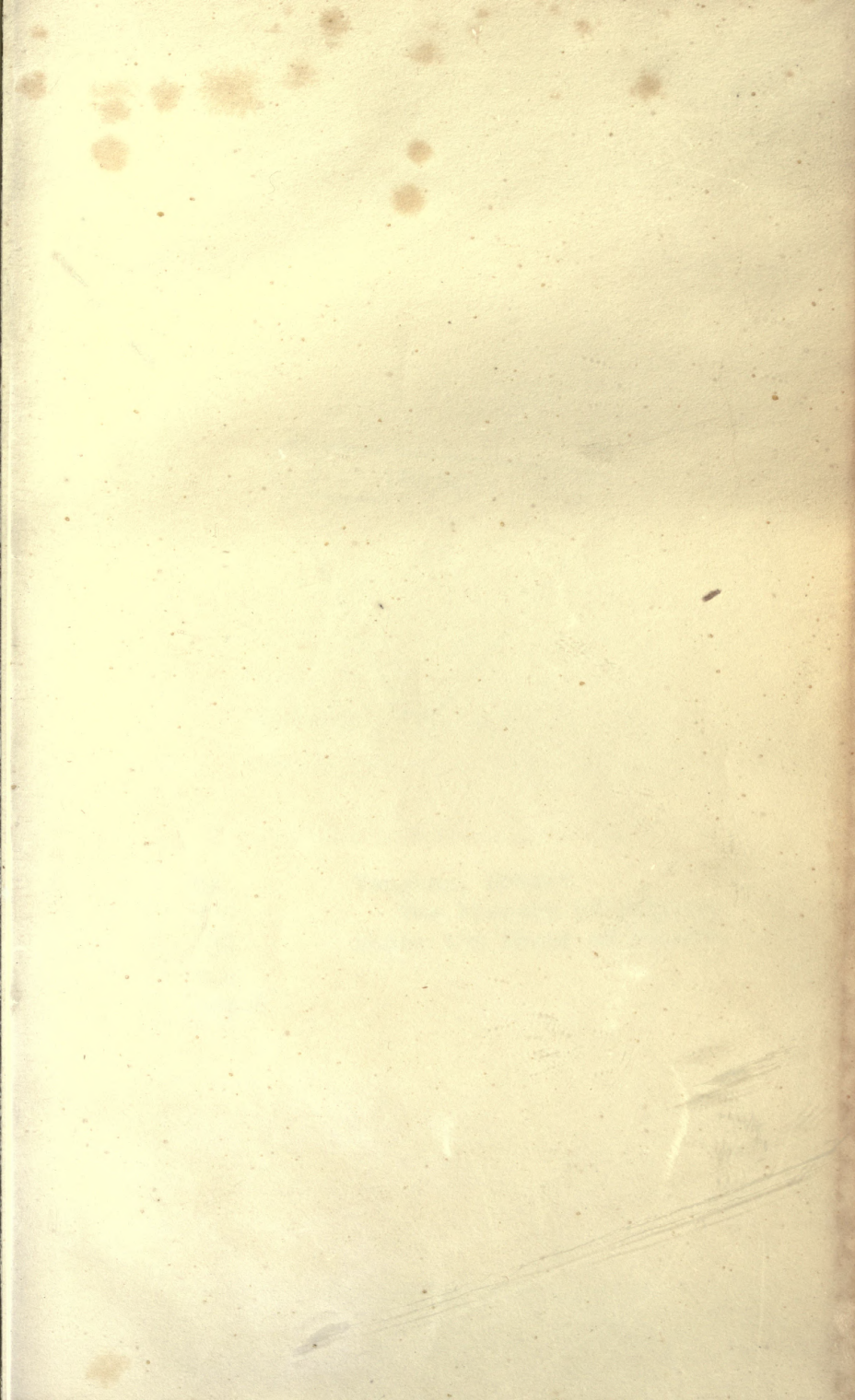
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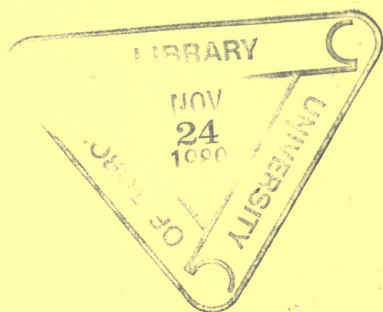
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